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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:	Kamran AMJADI
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ATTORNEY DOCKET NO:	031792-0311576
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EXAMINER	KHANH Q. DINH
FOR:	INCENTIVE NETWORK

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

Further to the "*Notice of Panel Decision from Pre-Appeal Brief Review*" mailed **May 14, 2007**, which reset the due date for the Appeal Brief to **June 14, 2007**, Appellant respectfully submits Appellant's Brief on Appeal pursuant to 37 C.F.R. § 41.37.

Appellant has filed concurrently herewith a petition for a **five-month** extension of time. 37 C.F.R. § 1.17(a)(5). The Director is authorized to charge \$1,370.00 to cover the \$1,115.00 petition fee, as well as the \$255.00 fee for filing an Appeal Brief pursuant to 37 C.F.R. § 41.20(b)(2). The Director is further authorized to charge any additional fees that may be due, or credit any overpayment of same to Deposit Account No. 033975 (Ref. No. 031792-0311576).

REQUIREMENTS OF 37 C.F.R. § 41.37

I. REAL PARTY IN INTEREST - 37 C.F.R. § 41.37(c)(1)(i)

By virtue of the Assignment recorded on July 12, 1999 at reel 010081, frame 0039, the real party in interest is E-centives, Inc.

II. RELATED APPEALS AND INTERFERENCES - 37 C.F.R. § 41.37(c)(1)(ii)

Appellant is aware of no related appeals or interferences.

III. STATUS OF CLAIMS - 37 C.F.R. § 41.37(c)(1)(iii)

Pending: Claims 1-59 are pending.

Cancelled: No claims have been cancelled.

Allowed: No claims have been allowed.

Rejected: Claims 1-59 stand rejected.

On Appeal: Claims 1-59 are appealed.

IV. STATUS OF AMENDMENTS - 37 C.F.R. § 41.37(c)(1)(iv)

No amendments have been filed subsequent to the mailing of the Office Action on November 17, 2006 (hereinafter "Office Action").

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 C.F.R. § 41.37(c)(1)(v)

A. Overview of the Invention.

Prior to setting forth a showing of specific support for the claimed subject matter,

Appellant first provides the following overview of the invention.

Various aspects of the invention relate to computer-implemented methods, systems, and apparatus for providing secure, targeted, and trackable incentives (*e.g.*, coupons) to consumers who access a common incentive host server via a client device (*e.g.*, a personal computer) through any one of a number of different other network servers (*e.g.*, network servers on which different websites are hosted) [Specification, *e.g.*, pg. 4, lines 10-15]. In one implementation, each registered client device has a unique ID (UID) associated with it,¹ and each network server has a network ID (NID) associated with it [Specification, *e.g.*, pg. 14, lines 11-14].

According to one aspect of the invention, the incentive host server may store information about an entire collection of coupons that are available through the network. [Specification, *e.g.*, pg. 14, lines 8-9; and FIG. 4]. For any specific request, however, only a portion of the coupons may be made available based on information associated with the UID (*e.g.*, demographic information and/or prior activity) and the NID (*e.g.*, the website or other network server from which the request was made) [Specification, *e.g.*, pg. 15, lines 7-15]. Accordingly, selected coupons may be made available (or not) for a user based on demographic targeting (*e.g.*, using information associated with the UID), as well as, for example, the website from which the user made the request. At least the use of a NID as a factor in determining which coupons to make available pursuant to a request is found nowhere in the alleged prior art relied upon.

¹ For example, a UID may be downloaded to and stored on the client device when a user registers with the incentive host server via a client device. Thereafter, whenever a request for access to coupons from the incentive host server is made (via the client device), the UID stored on the client device is passed along with the request. Whenever a coupon is printed, the UID may be printed on the coupon, providing at least one measure of security and enabling tracking of the coupon usage by UID.

According to one aspect of the invention, the incentive host server may comprise an incentive server for providing coupons (and/or other incentives) to users who may visit any of a number of different websites (hosted on different network servers). Thus, regardless of from which website a request may be received, coupons are provided by a common incentive host server. Thus, when a request for coupons is made by a user through a website, the UID and NID can be passed to the incentive host server, and either or both can be used to determine which subset of the entire group of stored coupons to make available to the user [Specification, *e.g.*, pg. 15, lines 7-15].

Targeting incentives based on both the UID and/or the NID enables the system to make available only those coupons that meet criteria that may be associated with the UID and/or the NID. For example, certain coupons may be made available to visitors of the "USAToday.com" website, and different coupons may be made available to visitors of other websites, such as "yahoo.com." Further filtering (*e.g.*, inclusion or exclusion) may be based on demographic information associated with the UID of user's client device.

FIG. 4 (reproduced below), is helpful in understanding the subject matter of the claims, including one aspect of the network architecture and a flow of information based on an example showing one network server.² FIG. 4 is an operational flow diagram illustrating an incentive distribution process in a manner consistent with the principles of one implementation of the invention [Specification, pg. 14, lines 2-7]. The network (as shown) includes one (common) incentive host server (410), which includes an incentive

² As disclosed, and in practice, there will be many network servers within the network [Specification, *e.g.*, pg. 14, lines 3-7]. See also **Attachment A**.

server database (412), a distribution process subsystem (414), and a subscriber registration subsystem (416) [Specification, pg. 14, lines 8-11].

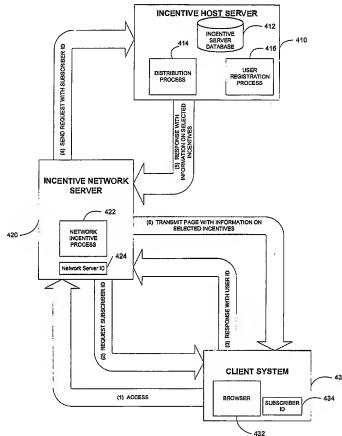


FIG. 4

The network also includes many incentive network servers (420) [Specification, e.g., pg. 14, lines 1-7], one of which is shown in FIG. 4. Incentive network server (420) may include a network incentive process subsystem (422) and storage (424) for storing, among other things, a Network Server ID (NID).³ A client system (430) includes at least a browser program (430) and a storage mechanism (434) for, among other things, storing

³ Because the network servers are each assigned a NID, and because the NID is used as part of the determination of which coupons should be made available, not every website on the Internet would qualify as a network server in accordance with the invention. The server would need to have a NID assigned to it.

a unique (subscriber) ID (UID) [Specification, *e.g.*, pg. 14, lines 11-14].

For ease of explanation, Appellant has attached hereto a demonstrative diagram (see **Attachment A**) which depicts the system architecture of the invention together with a partial flow diagram. As shown, the system may include a number of network servers (*e.g.*, Network Server 1, Network Server 2, ... Network Server N), each of which communicates with a common incentive host server. Each of the incentive network servers can be accessed by different client devices.

As an example, if a user at client device 1 wishes to access coupons while visiting network server 1 (for example, a server hosting the "Yahoo.com" website), the access request from client device 1 to "Yahoo.com" may include the access request plus UID₁ (see **item A**). That request will then be passed on from the "Yahoo.com" website to the incentive host server, along with UID₁ and NID₁ (which is the network ID in this example for the "Yahoo.com" website) (see **item B**).

In response, the incentive host server may determine the appropriate subset of coupons available (*e.g.*, based on filtering the available coupons) to produce the subset available for the UID₁/NID₁ combination (see **item C**).

If, however, a request from the same client device 1 is made through the "USAToday.com" website (for example, via server 2 hosting the website), then that access request from the client device to the "USAToday.com" website will include UID₁ (because it originated from client device 1) (see **item D**). The access request would then be passed on from the "USAToday.com" website to the incentive host server along with UID₁ and NID₂ (which in the example is the network ID for the "USAToday.com" website) (see **item E**). In response, the incentive host server will determine the subset of

coupons available for the UID₁/NID₂ combination (see item F).

Thus, even though two requests may be made from the same client device, the subset of coupons presented in response to those requests may differ based on filtering parameters associated with the different network servers through which the user made the request (e.g., the server hosting "Yahoo.com" or the server hosting "USAToday.com").

An additional example (in **Attachment A**) is depicted wherein a different client device (e.g., client device 2) is used to issue an access request through network server 2 (hosting the "USAToday.com" website). As shown, the access request from client device 2 to network server 2 (hosting the "USAToday.com" website) may include the access request plus UID₂ (the identifier for client device 2) (see item G). In this case, the "USAToday.com" website may pass the access request to the incentive host server along with UID₂ and NID₂ (the network ID for the server hosting the "USAToday.com" website in this example) (see item H). In response, the incentive host server will determine the subset of coupons available for the UID₂/NID₂ combination (see item I).

Among other things, Appellant's system is advantageous to consumers, website operators who do not have a secure, trackable coupon delivery system, and application service providers who deliver coupons and other incentives.

Among many other advantages, from the client (consumer) perspective, the system is very consumer-friendly. For example, a user need only register once to be able to obtain coupons from the common incentive host server through any one of a number of different websites within the system. This enables access to available incentives through more than one website without the need to create personal accounts on each

site. That registration can cause a UID to be stored on the client terminal through which registration occurs.

From the viewpoint of the operators of the websites hosted by the various network servers, the invention is advantageous in that the website operators need not build and maintain complex systems to enable secure, targeted, trackable delivery of coupons and other incentives, yet they can still offer such coupons and other incentives to visitors, including special promotions that may not be available to consumers if they access other networks.

Additionally, an application service provider (ASP) can provide an incentive host server that enables them to service requests from many websites, and thus leverage a large number of existing websites that already have a large number of visitors. This enables the ASP to broaden the distribution of coupons and other incentives to many consumers without having to spend significant advertising dollars to attract consumers, such as would be required with a standard internet coupon portal. Other advantages exist to each of the participants. This overall structure and these functions clearly distinguish over the alleged prior art for the reasons set forth in detail below.

B. Summary of Common Features of the Independent Claims.

The following is a brief description of features common to most of the independent claims.

1. A Common Incentive Host Server and at Least Two Network Servers.

Most of the independent claims recite a (common) incentive host server, as well

as at least two (or a plurality of) network servers. According to an aspect of the invention, at least two network servers (420) are provided [Specification, e.g., pg. 14, lines 3-7], each having its own Network Server ID (or NID), through which consumers can access the common incentive host server (410) via different client devices (430). Each of the client devices (430) can have its own UID. This network architecture (and the benefits that flow therefrom), in the context of a coupon distribution system, are not disclosed in the alleged prior art relied upon by the Examiner.

The Specification further explains that the plurality of network servers provides consumers with more than one avenue to participate in the incentive system, and may result in different incentives based on the network identifiers (NIDs) associated with the different network servers in the incentive network (and/or the UIDs). In this regard, the specification recites:

By providing in each network server an access mechanism to the incentive server, client systems requesting documents from a network server are presented with information on selected incentives. For example, a consumer who frequents more than one general http site (often referred to as "Web portals") such as Yahoo.com and USAToday.com may access his/her available incentives through both those sites. This increases the consumer's exposure and access to the incentives without being intrusive. It also facilitates the provision of personalized information for the consumer on both sites without the need to create separate accounts on each site.

[Specification, pg. 18, line 19- pg. 19 line 7].

Additionally, the common incentive host server for disparate websites (e.g., "Yahoo" and "USAToday") avoids the need for each of the websites to build and maintain their own incentive server system (e.g., coupon server) to provide secure,

targeted and trackable coupons.

2. Determining Available Incentives Based on at Least a NID.

Each of the thirteen independent claims of the application expressly recites a network server identifier, network server identification, or Network ID (collectively referred to as a "NID") to determine the incentives available to a consumer.

Each of the claims also recites that the incentive host server determines available incentives, or determines a set of one or more coupons to make available. This determination may be made based at least on the NID (and if desired, based on information associated with the UID). None of the alleged prior art discloses, teaches, or suggests making such a determination based on a NID.

When a consumer accesses an incentive network server (420), the incentive network server (420) receives the UID from the client system (430). The incentive network server (420) then passes the consumer request for access to incentives to the incentive host server (410). In so doing, the incentive network server (420) passes the UID and the NID. The incentive host server (410) uses the NID as a filter criteria for determining which incentives are to be made available to the consumer.⁴ Incentives may be included or excluded based on the NID. As a result of the use of a NID, the incentives made available to any given consumer may differ depending upon the website through which the consumer made the request. Thus, incentives may be targeted based at least on the NID, and thus from which network server, in the incentive network, the

⁴ The specification explains that "[w]hen a Network Server ID is provided, the incentive server may also locate an exclusion or inclusion list for the Identified server and apply the list to filter in or out specific incentives" [Specification, pg. 17, lines 16-20].

request came.⁵

Each NID is an identifier associated with one of the network servers through which different users can access a common incentive host server. Thus, the NID is separate and distinct from the first identifier (UID) which is stored at the client device. The NID is a separate factor that can be used to filter or target specific incentives based on from where a request originated. Thus, while some prior systems may perform some type of demographic targeting (*e.g.*, based on a consumer identifier), none of the art relied on teaches the use of a NID for these purposes.

C. Showing of Specific Support for Each of the Independent Claims.

The following *exemplary* citations to the Specification and drawing figures are not exclusive, as other examples of support for the claimed subject matter exist. As such, the following citations should not be viewed as limiting.

1. Independent Claim 1.

One aspect of appellant's invention relates to a method for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server [Specification, *e.g.*, pg. 14, lines 2-14; and FIG. 4].

One aspect of the invention comprises receiving, at a network server, an access

⁵ The specification distinguishes the NID from a customer ID or "subscriber ID." See Figure 4 (expressly showing a subscriber ID in the client system, and a network server ID in the incentive network server); and Specification, pg. 4, line 16- pg. 6, line 2 ("reflecting available incentives corresponding to the identifying information may include receiving incentive information reflecting a selection of incentives based on at least one of the subscriber ID and the server ID.").

request from a client device associated with the user [Specification, *e.g.*, pg. 5, lines 3-5; pg. 14, lines 16-17; pg. 16, lines 8-10; and FIGS. 4-5].

One aspect of the invention comprises transmitting a first identifier and a network server identifier (NID) corresponding to the access request to the incentive host server [Specification, *e.g.*, pg. 5, lines 12-15; pg. 16, lines 12-14; and FIGS. 4-5].

One aspect of the invention comprises determining at the incentive host server available incentives using at least the first identifier and the NID, wherein the NID is used to identify available incentives in an incentive server database associated with the NID [Specification, *e.g.*, pg. 5, lines 15-18; pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4 & 6].

One aspect of the invention comprises transmitting information regarding the determined available incentives to the client device [Specification, *e.g.*, pg. 5, lines 2-3; pg. 6, lines 7-9; pg. 16, lines 17+; and FIGS. 4-6].

2. Independent Claim 8.

One aspect of Appellant's invention relates to a computer-implemented method for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server [Specification, *e.g.*, pg. 14, lines 2-14; and FIG. 4].

One aspect of the invention comprises transmitting an access request to access one of the network servers in the network [Specification, *e.g.*, pg. 4, lines 16-19; pg. 5, lines 3-5; pg. 14, lines 15-17; pg. 16, lines 8-10; and FIGS. 4-5].

One aspect of the invention comprises transmitting a first identifier and a

network server identifier (NID) corresponding to the access request to the incentive host server [Specification, *e.g.*, pg. 5, lines 12-15; pg. 16, lines 12-14; and FIGS. 4-5].

One aspect of the invention comprises determining available incentives using at least the first identifier and the NID, wherein an incentive host server identifies available incentives in an incentive server database associated with the NID [Specification, *e.g.*, pg. 5, lines 15-18; pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4 & 6].

3. Independent Claim 11.

Independent claim 11 includes means plus function recitations. Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to each means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

One aspect of Appellant's invention relates to a system for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server [Specification, *e.g.*, pg. 14, lines 2-14; and FIG. 4].

Independent claim 11 recites: "access request receiving means for receiving, at a network server, an access request from a client device associated with at least one user." In one implementation, the "access request receiving means" may comprise, for example, incentive network server (420) (FIG. 4) including its network interface [*e.g.*, network interface (239) - FIG. 2] [Specification, *e.g.*, pg. 11, lines 11-19; pg. 14, lines 15-17; pg. 16, lines 8-10; and FIGS. 2, 4, and 5].

Independent claim 11 recites: "identifying information transmitting means for

transmitting a first identifier and a network server identifier (NID) corresponding to the access request to an incentive host server.” In one implementation, the “identifying information transmitting means” may comprise, for example, incentive network server (420) (FIG. 4) including its network interface [e.g., network interface (239) - FIG. 2] [Specification, e.g., pg. 11, lines 11-19; pg. 14, lines 11-14; pg. 15, lines 5-7; pg. 16, lines 12-14; and FIGS. 2, 4, and 5].

Independent claim 11 recites: “incentive information determining means for determining available incentives using the NID and the first identifier, wherein the NID is used to identify available incentives in an incentive server database associated with the NID.” In one implementation, the “incentive information determining means” may comprise, for example, incentive host server (410) (FIG. 4) [Specification, e.g., pg. 15, lines 7-15; pg. 17, lines 10-20; and FIGS. 4 & 6].

Independent claim 11 recites: “incentive transmitting means for transmitting information regarding the determined available incentives to the client device.” In one implementation, the “incentive transmitting means” may comprise, for example, incentive network server (420) (FIG. 4) and/or incentive host server (410) (FIG. 4) including their network interfaces [e.g., network interface (239) - FIG. 2] [Specification, e.g., pg. 11, lines 11-19; pg. 15, lines 14 – pg. 16, line 4; pg. 16, lines 17+; pg. 17, lines 18-20; and FIGS. 2 & 4-6].

4. Independent Claim 18.

Independent claim 18 includes means plus function recitations. Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to each means plus function recitation with reference to the

specification by page and line number, and to the drawings by reference character.

One aspect of Appellant's invention relates to a system for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server [Specification, *e.g.*, pg. 14, lines 2-14; and FIG. 4].

Independent claim 18 recites: "access request transmitting means for transmitting an access request to access a network server in the network." In one implementation, the "access request transmitting means" may comprise, for example, client system (430) including its network interface [*e.g.*, network interface (229) – FIG. 2] [Specification, *e.g.*, pg. 11, lines 5-10; pg. 14, lines 13-17; pg. 16, lines 8-10; and FIGS. 2 & 4].

Independent claim 18 recites: "user request receiving means for receiving a user request for a first identifier associated with the access request." In one implementation, the "user request receiving means" may comprise, for example, incentive network server (420) (FIG. 4) including its network interface [*e.g.*, network interface (239) - FIG. 2] [Specification, *e.g.*, pg. 11, lines 11-19; pg. 14, lines 15-17; pg. 16, lines 8-10; and FIGS. 2, 4, and 5].

Independent claim 18 recites: "transmitting means for transmitting the first identifier and a network server identifier (NID) to the incentive host server." In one implementation, the "transmitting means" may comprise, for example, incentive network server (420) (FIG. 4) including its network interface [*e.g.*, network interface (239) - FIG. 2] [Specification, *e.g.*, pg. 11, lines 11-19; pg. 14, lines 11-14; pg. 15, lines 5-7;

pg. 16, lines 12-14; and FIGS. 2, 4, and 5].

Independent claim 18 recites: "incentive information determining means for determining, in response to the access request, available incentives using the first identifier and the NID, wherein the incentive host server identifies available incentives associated with the NID." In one implementation, the "incentive information determining means" may comprise, for example, incentive host server (410) (FIG. 4) [Specification, *e.g.*, pg. 15, lines 7-15; pg. 17, lines 10-20; and FIGS. 4 & 6].

5. Independent Claim 21.

One aspect of Appellant's invention relates to a system for distributing information in a network.

In one implementation, the invention may include a host server [*e.g.*, incentive host server (410)] having at least one of an incentive distribution module and an account creation module accessible to a plurality of users [Specification, *e.g.*, pg. 14, lines 8-11; pg. 17, line 10 – pg. 18, line 16; and FIGS. 4 & 6-7].

In one implementation, the invention may include a plurality of network servers [*e.g.*, incentive network server (420)] coupled to and selectively accessible to the host server for providing identifying information including a first identifier and a network server identifier (NID) to the host server [Specification, *e.g.*, pg. 5, lines 12-15; pg. 16, lines 12-14; and FIGS. 4-5], wherein the identifying information is used by the incentive distribution module, at least in part, to identify available incentives associated with the NID [Specification, *e.g.*, pg. 5, lines 15-18; pg. 14, lines 8-11; pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4 & 6].

In one implementation, the invention may include at least one client machine

[e.g., client system (430)] coupled to and selectively accessible to at least one of the plurality of network servers for accessing network documents, wherein when at least one user causes the at least one client machine to access one of the plurality of network servers, the accessed network server communicates with the host server to obtain data corresponding to the at least one user, and wherein the at least one client machine is adapted to present the data from the host to the at least one user [Specification, e.g., pg. 6, lines 3-18; pg. 8, line 17 – pg. 9, line 16; pg. 14, lines 13-14; pg. 16, line 6 – pg. 17, line 2; and FIGS. 4-7].

6. Independent Claim 34.

One aspect of Appellant's invention relates to a method for providing coupons over a network [Specification, e.g., pg. 1, lines 2-6; pg. 4, lines 10-15; pg. 8, lines 13-17; and FIGS. 1-2 & 4-7].

One aspect of the invention comprises receiving a request for a document associated with a network server from a client device [Specification, e.g., pg. 5, lines 3-5; pg. 9, lines 1-2; pg. 14, lines 15-17; pg. 16, lines 6-10; and FIGS. 4-5].

One aspect of the invention comprises receiving, by a host server, information regarding the document request, wherein the received information includes a network server identifier (NID) associated with the network server [Specification, e.g., pg. 5, lines 5-15; pg. 16, lines 12-14; pg. 17, lines 10-13; and FIGS. 4-6].

One aspect of the invention comprises receiving, by the host server, a first identifier stored by the client device [Specification, e.g., pg. 5, lines 12-15; pg. 15, lines 5-7; pg. 15, lines 16-19; pg. 16, lines 10-14; pg. 17, lines 11-13; and FIGS. 4-6].

One aspect of the invention comprises determining, at the host server,

information regarding a set of one or more coupons from a plurality of coupons based at least in part on the NID and the first identifier [Specification, *e.g.*, pg. 5, lines 15-18; pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4-6].

One aspect of the invention comprises transmitting, to the client device, at least some of the information regarding the set of one or more coupons [Specification, *e.g.*, pg. 5, lines 2-3; pg. 6, lines 7-9; pg. 16, lines 17+; and FIGS. 4-6].

7. Independent Claim 39.

One aspect of Appellant's invention relates to a method performed by an incentive host server for providing coupons over a network [Specification, *e.g.*, pg. 1, lines 2-6; pg. 4, lines 10-15; pg. 8, lines 13-17; and FIGS. 1-2 & 4-7].

One aspect of the invention comprises receiving information regarding a request from a client device for a document received at one of a plurality of network servers, wherein the information received by the incentive host server includes a network server identifier corresponding to the one of the plurality of network servers [Specification, *e.g.*, pg. 5, lines 12-15; pg. 15, lines 5-7; pg. 16, lines 12-14; pg. 17, lines 10-13; and FIGS. 4-6].

One aspect of the invention comprises receiving a first identifier stored by the client device [Specification, *e.g.*, pg. 5, lines 12-15; pg. 15, lines 5-7; pg. 15, lines 16-19; pg. 16, lines 10-14; pg. 17, lines 11-13; and FIGS. 4-6].

One aspect of the invention comprises determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier [Specification, *e.g.*, pg. 5, lines 15-18; pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4 & 6].

One aspect of the invention comprises transmitting at least some of the information regarding the set of one or more coupons to the client device [Specification, *e.g.*, pg. 5, lines 2-3; pg. 6, lines 7-9; pg. 16, lines 17+; and FIGS. 4-6].

8. Independent Claim 44.

One aspect of Appellant's invention relates to a system for providing coupons via a network [Specification, *e.g.*, pg. 1, lines 2-6; pg. 4, lines 10-15; pg. 8, lines 13-17; and FIGS. 1-2 & 4-7].

In one implementation, the invention may include a client device [*e.g.*, client system (430)] associated for accessing the network [Specification, *e.g.*, pg. 11, lines 5-10; pg. 14, lines 13-17; pg. 16, lines 8-10; and FIGS. 2 & 4-5].

In one implementation, the invention may include a plurality of network servers [*e.g.*, incentive network server (420)] for providing web pages [Specification, *e.g.*, pg. 8, lines 17-18; pg. 14, lines 4-7; and FIGS. 4-5].

In one implementation, the invention may include a host server [*e.g.*, incentive host server (410)] storing information regarding a plurality of coupons [Specification, *e.g.*, pg. 14, lines 8-11; pg. 15, lines 7-15; pg. 17, lines 10-20; and FIGS. 4 & 6].

In one implementation, the host server is capable of receiving a network server identifier associated with at least one of the network servers, receiving a first identifier stored on the client device, determining information regarding a set of one or more coupons from the plurality of coupons based at least in part on the network server identifier and the first identifier, and transmitting at least some of the determined information regarding the set of one or more coupons to the client device [Specification, *e.g.*, pg. 5, lines 2-3; pg. 5, lines 12-18; pg. 15, lines 5-15; pg. 16, lines 10-14; pg. 16, lines

16-19; pg. 17, lines 10-18; and FIGS. 4-6].

9. Independent Claim 48.

One aspect of Appellant's invention relates to a system for providing coupons over a network [Specification, *e.g.*, pg. 1, lines 2-6; pg. 4, lines 10-15; pg. 8, lines 13-17; and FIGS. 1-2 & 4-7].

In one implementation, the invention may include one or more databases for storing information regarding a plurality of coupons, a plurality of first identifiers, and a plurality of network server identifiers [Specification, *e.g.*, pg. 14, lines 8-14; and FIG. 4].

In one implementation, the invention may include one or more processors [Specification, *e.g.*, pg. 11, lines 11-19; pg. 14, lines 8-11; and FIGS. 2 & 4].

In one implementation, the processor may enable the function of receiving a request for information regarding one or more coupons, wherein the received request includes a network server identification associated with at least one network server [Specification, *e.g.*, pg. 5, lines 12-15; pg. 15, lines 5-15; pg. 16, lines 12-14; pg. 17, lines 10-13; and FIGS. 4-6].

In one implementation, the processor may enable the function of receiving a first identifier stored by the client device [Specification, *e.g.*, pg. 5, lines 12-15; pg. 15, lines 5-7; pg. 15, lines 16-19; pg. 16, lines 10-14; pg. 17, lines 11-13; and FIGS. 4-6].

In one implementation, the processor may enable the function of determining information regarding one or more coupons based at least in part on the received network server identification and first identifier [Specification, *e.g.*, pg. 5, lines 15-18; pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4 & 6].

In one implementation, the processor may enable the function of transmitting at

least some of the determined information [Specification, e.g., pg. 5, lines 2-3; pg. 6, lines 7-9; pg. 16, lines 17+; and FIGS. 4-6].

10. Independent Claim 52.

Independent claim 52 includes means plus function recitations. Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to each means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

Independent claim 52 recites: “means for receiving a request for a document from a client device, wherein the requested document is associated with a network server.” In one implementation, the “means for receiving a request” may comprise, for example, incentive network server (420) (FIG. 4) and/or incentive host server (410) (FIG. 4), including their network interfaces [e.g., network interface (239) – FIG. 2] [Specification, e.g., pg. 5, lines 3-5; pg. 9, lines 1-2; pg. 11, lines 11-19; pg. 14, lines 15-17; pg. 16, lines 6-10; and FIGS. 2, & 4-5].

Independent claim 52 recites: “means for receiving information regarding the document request, wherein the received information includes a network server identifier associated with the network server.” In one implementation, the “means for receiving information” may comprise, for example, incentive host server (410) (FIG. 4) [Specification, e.g., pg. 5, lines 12-15; pg. 15, lines 5-15; pg. 16, lines 12-14; pg. 17, lines 10-13; and FIGS. 4-6].

Independent claim 52 recites: “means for receiving a first identifier stored by the client device.” In one implementation, the “means for receiving a first identifier” may comprise, for example, incentive host server (410) (FIG. 4) [Specification, e.g., pg. 5, lines

12-15; pg. 15, lines 5-7; pg. 15, lines 16-19; pg. 16, lines 10-14; pg. 17, lines 11-13; and FIGS. 4-6].

Independent claim 52 recites: “means for determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier.” In one implementation, the “means for determining information” may comprise, for example, incentive host server (410) (FIG. 4) [Specification, *e.g.*, pg. 15, lines 7-15; pg. 17, lines 10-20; and FIGS. 4 & 6].

Independent claim 52 recites: “means for transmitting to the client device at least some of the information regarding the set of one or more coupons.” In one implementation, the “means for transmitting to the client device” may comprise, for example, incentive network server (420) (FIG. 4) and/or incentive host server (410) (FIG. 4), via a network interface [*e.g.*, network interface (239) – FIG. 2] [Specification, *e.g.*, pg. 11, lines 11-19; pg. 15, line 14 – pg. 16, line 4; pg. 16, lines 17+; pg. 17, lines 18-20; and FIGS. 2 & 4-6].

11. Independent Claim 53.

Independent claim 53 includes means plus function recitations. Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to each means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

Independent claim 53 recites: “means for receiving information regarding a request from a client device for a document received at one of a plurality of network servers, wherein the information includes a network server identifier associated with the network server.” In one implementation, the “means for receiving information” may

comprise, for example, incentive host server (410) (FIG. 4) [Specification, *e.g.*, pg. 5, lines 12-15; pg. 15, lines 5-15; pg. 16, lines 12-14; pg. 17, lines 10-13; and FIGS. 4-6].

Independent claim 53 recites: “means for receiving a first identifier stored by the client device.” In one implementation, the “means for receiving a first identifier” may comprise, for example, incentive host server (410) (FIG. 4) [Specification, *e.g.*, pg. 5, lines 12-15; pg. 15, lines 5-7; pg. 15, lines 16-19; pg. 16, lines 10-14; pg. 17, lines 11-13; and FIGS. 4-6].

Independent claim 53 recites: “means for determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier.” In one implementation, the “means for determining information” may comprise, for example, incentive host server (410) (FIG. 4) [Specification, *e.g.*, pg. 15, lines 7-15; pg. 17, lines 10-20; and FIGS. 4 & 6].

Independent claim 53 recites: “means for transmitting the information regarding the set of one or more coupons to the client device.” In one implementation, the “means for transmitting the information” may comprise, for example, incentive network server (420) (FIG. 4) and/or incentive host server (410) (FIG. 4) including their network interfaces [*e.g.*, network interface (239) – FIG. 2] [Specification, *e.g.*, pg. 11, lines 11-19; pg. 15, line 14 – pg. 16, line 4; pg. 16, lines 17+; pg. 17, lines 18-20; and FIGS. 2 & 4-6].

12. Independent Claim 54.

One aspect of Appellant's invention relates to an incentive host server for use in an incentive network, the incentive network including the incentive host server and at least two incentive network servers, the incentive host server [Specification, *e.g.*, pg. 14, lines 2-14; and FIG. 4].

In one implementation, the invention may include an incentive database for storing incentives [Specification, *e.g.*, pg. 14, lines 8-11; and FIG. 4].

In one implementation, the invention may include a registration module for receiving registration information from a client device, and for transmitting a Unique ID (UID) to the client device that submitted the registration information for storage on the client device to enable the UID to be subsequently used in connection with requesting incentives from any of the incentive network servers within the incentive network [Specification, *e.g.*, pg. 14, lines 8-11; pg. 18, lines 2-16; and FIGS. 4 & 7].

In one implementation, the invention may include an incentive determination module [Specification, *e.g.*, pg. 14, lines 8-11; and FIG. 4].

In one implementation, the incentive determination module may receive a request for incentives from any of the incentive network servers [Specification, *e.g.*, pg. 15, lines 5-7; pg. 17, lines 11-13; and FIGS. 4 & 6].

In one implementation, the incentive determination module may receive a UID and a Network ID (NID) associated with the request [Specification, *e.g.*, pg. 17, lines 11-13; and FIGS. 4 & 6].

In one implementation, the incentive determination module may determine currently available incentives based on the UID and NID [Specification, *e.g.*, pg. 5, lines 15-18; pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4 & 6].

In one implementation, the incentive determination module may transmit information about the incentives determined to be currently available [Specification, *e.g.*, pg. 5, lines 2-3; pg. 6, lines 7-9; pg. 16, lines 17+; pg. 17, lines 18-20; and FIGS. 4-6].

13. Independent Claim 57.

Independent claim 57 includes means plus function recitations. Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to each means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

One aspect of Appellant's invention relates to an incentive network [Specification, *e.g.*, pg. 1, lines 2-6; pg. 4, lines 10-15; pg. 8, lines 13-17; pg. 14, lines 3-7; and FIGS. 4-7].

In one implementation, the invention may include an incentive host server [Specification, *e.g.*, pg. 14, lines 3-7; pg. 14, lines 8-11; and FIG. 4].

In one implementation, the invention may include at least two incentive network servers, wherein an incentive network server comprises a network interface for receiving from a client device a request for access to incentives, and for communicating information about the request to the incentive host server [Specification, *e.g.*, pg. 11, lines 11-19; pg. 14, lines 3-7; pg. 14, lines 11-13; pg. 15, lines 5-7; and FIGS. 2, & 4-5].

In one implementation, the incentive host server comprises an incentive database for storing incentives [Specification, *e.g.*, pg. 14, lines 8-11; and FIG. 4].

In one implementation, the incentive host server comprises a registration module for receiving registration information from a client device, and for transmitting a Unique ID (UID) to the client device that submitted the registration information for storage on the client device to enable the UID to be subsequently used in connection with requesting incentives from any of the incentive network servers within the incentive network [Specification, *e.g.*, pg. 14, lines 8-11; pg. 18, lines 2-16; and FIGS. 4 & 7].

In one implementation, the incentive host server comprises a network interface

for receiving from any of the incentive network servers a request for access to at least some of the stored incentives, and for receiving with the request a Network ID (NID) associated with the incentive network server from which the request is received [Specification, *e.g.*, pg. 5, lines 12-15; pg. 15, lines 5-15; pg. 16, lines 12-14; pg. 17, lines 10-13; and FIGS. 4-6].

In one implementation, the incentive host server comprises an incentive determination module for determining currently available incentives based on the NID and a UID of the client device from which the request was initiated [Specification, *e.g.*, pg. 15, lines 7-15; pg. 17, lines 10-20; and FIGS. 4 & 6].

In one implementation, the incentive host server comprises: “means for transmitting information about the incentives determined to be currently available to the UID and NID combination.” In one implementation, the “means for transmitting information” may comprise, for example, incentive network server (420) (FIG. 4) and/or incentive host server (410) (FIG. 4) including their network interfaces [*e.g.*, network interface (239) – FIG. 2] [Specification, *e.g.*, pg. 11, lines 11-19; pg. 15, line 14 – pg. 16, line 4; pg. 16, lines 17+; pg. 17, lines 18-20; and FIGS. 2 & 4-6].

D. Showing of Support for Separately Argued Dependent Claims.

1. Dependent Claim 2.

Dependent claim 2 recites: “wherein receiving the access request from the client device, includes: receiving a request for a document stored at least in part on the network server” [Specification, *e.g.*, pg. 5, lines 3-5].

2. Dependent Claim 3.

Dependent claim 3 recites: "determining whether an indication exists that the user subscribes to receive information associated with available incentives" [Specification, *e.g.*, pg. 14, lines 15-18; pg. 16, lines 8-14; pg. 18, lines 2-16; and FIGS. 4, 5, & 7].

3. Dependent Claim 5.

Dependent claim 5 recites: "transmitting an identifier corresponding to the client device to the incentive host server; and transmitting a network server identifier corresponding to the network server" [Specification, *e.g.*, pg. 15, lines 5-15; and FIGS. 4-5].

4. Dependent Claim 6.

Dependent claim 6 recites: "wherein determining available incentives, includes: receiving incentive information reflecting a selection of incentives based on at least one of the identifier corresponding to the client device and the network server identifier corresponding to the network server" [Specification, *e.g.*, pg. 17, lines 10-20; and FIGS. 4 & 6].

5. Dependent Claim 7.

Dependent claim 7 recites: "wherein the first identifier corresponds to the device associated with the user" [Specification, *e.g.*, pg. 14, line 15 – pg. 15, line 1; and FIG. 4].

6. Dependent Claim 10.

Dependent claim 10 recites: "receiving incentive information reflecting a server identification associated with the server, wherein the network server provides the NID to

the incentive host server for identification of the incentive information" [Specification, e.g., pg. 15, lines 9-15; pg. 17, lines 11-18; and FIGS. 4 & 6].

7. Dependent Claim 12.

Claim 12 includes means plus function recitations, and is a dependent claim argued separately. Accordingly, Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to the means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

Dependent claim 12 recites: "wherein the access request receiving means includes: partial document receiving means for receiving a request for a document stored at least in part on the network server." In one implementation, the "partial document receiving means" may comprise, for example, incentive network server (420) (FIG. 4) including its network interface [e.g., network interface (239) - FIG. 2] [Specification, e.g., pg. 5, lines 3-5; pg. 11, lines 11-19; pg. 14, lines 15-17; pg. 16, lines 8-10; and FIGS. 2, 4, and 5].

8. Dependent Claim 13.

Claim 13 includes means plus function recitations, and is a dependent claim argued separately. Accordingly, Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to the means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

Dependent claim 13 recites: "subscriber determining means for determining whether an indication exists that the user subscribes to receive information associated

with available incentives.” In one implementation, the “subscriber determining means” may comprise, for example, incentive network server (420) (FIG. 4) and/or incentive host server (410) (FIG. 4) [Specification, *e.g.*, pg. 14, lines 15-18; pg. 16, lines 8-14; pg. 18, lines 2-16; and FIGS. 4, 5, & 7].

9. Dependent Claim 15.

Claim 15 includes means plus function recitations, and is a dependent claim argued separately. Accordingly, Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to the means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

Dependent claim 15 recites: “identification transmitting means for transmitting an identifier corresponding to the client device to the incentive host server and transmitting a network server identifier corresponding to the network server.” In one implementation, the “identification transmitting means” may comprise, for example, incentive network server (420) (FIG. 4) [Specification, *e.g.*, pg. 15, lines 5-15; and FIGS. 4-5].

10. Dependent Claim 16.

Claim 16 includes means plus function recitations, and is a dependent claim argued separately. Accordingly, Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to the means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

Dependent claim 16 recites: “wherein the incentive information determining

means includes: incentive obtaining means for obtaining incentive information reflecting a selection of incentives based on at least one of the network server identifier and the identifier corresponding to the client device.” In one implementation, the “incentive obtaining means” may comprise, for example, incentive host server (410) (FIG. 4) [Specification, e.g., pg. 17, lines 10-20; and FIGS. 4 & 6].

11. Dependent Claim 17.

Claim 17 includes means plus function recitations, and is a dependent claim argued separately. Accordingly, Pursuant to 37 C.F.R. § 41.37(c)(1)(v), Appellant has identified below non-limiting examples of structure corresponding to the means plus function recitation with reference to the specification by page and line number, and to the drawings by reference character.

Dependent claim 17 recites: “wherein the incentive information determining means includes: subscriber transmitting means for transmitting the identifier corresponding to the client device to the incentive host server.” In one implementation, the “subscriber transmitting means” may comprise, for example, incentive network server (420) (FIG. 4) [Specification, e.g., pg. 16, lines 11-14; and FIGS. 4-5].

12. Dependent Claim 20.

Dependent claim 20 recites: “wherein the network server provides the NID to the incentive host server for identification of the incentive information” [Specification, e.g., pg. 15, lines 5-15; pg. 17, lines 11-18; and FIGS. 4-6].

13. Dependent Claim 35.

Dependent claim 35 recites: “transmitting a request to the client device for information to create an account; receiving, in response to the transmitted request,

information regarding the account; determining a first identifier; and transmitting the determined first identifier to the client device" [Specification, *e.g.*, pg. 16, line 5 – pg. 17, line 5; pg. 18, lines 1-16; and FIGS. 4-5 & 7].

14. Dependent Claim 38.

Dependent claim 38 recites: "wherein the requested document associated with the network server is stored, at least in part, on the network server" [Specification, *e.g.*, pg. 5, lines 3-5].

15. Dependent Claim 40.

Dependent claim 40 recites: "transmitting a request to the client device for information to create an account; receiving, in response to the transmitted request, information regarding the account; determining a first identifier; and transmitting the first identifier to the client device" [Specification, *e.g.*, pg. 16, line 5 – pg. 17, line 5; pg. 18, lines 1-16; and FIGS. 4-5 & 7].

16. Dependent Claim 43.

Dependent claim 43 recites: "wherein the requested document associated with the one of the plurality of network servers is stored, at least in part, on the one of the plurality of network servers" [Specification, *e.g.*, pg. 5, lines 3-5].

17. Dependent Claim 45.

Dependent claim 45 recites: "wherein the host server is further capable of transmitting a request to the client device for information to create an account, receiving from the client device, in response to the transmitted request, information regarding the account, determining the first identifier, and transmitting to the client device the first identifier" [Specification, *e.g.*, pg. 16, line 5 – pg. 17, line 5; pg. 18, lines

1-16; and FIGS. 4-5 & 7].

18. Dependent Claim 49.

Dependent claim 49 recites: “transmitting a first identifier to the client device such that the client device stores the first identifier” [Specification, *e.g.*, pg. 16, line 5 – pg. 17, line 5; pg. 18, lines 1-16; and FIGS. 4-5 & 7].

19. Dependent Claim 56.

Dependent claim 56 recites: “wherein the incentive determination module transmits information about the incentives determined to be currently available to the incentive network server having the NID associated with the received request” [Specification, *e.g.*, pg. 15, lines 5-15; Pg. 17, lines 10-20; and FIGS. 2, 4, & 6].

20. Dependent Claim 58.

Dependent claim 58 recites: “wherein the information about the incentives determined to be currently available to the UID and NID combination is transmitted to a client device having the UID associated with the client device from which the request was initiated” [Specification, *e.g.*, pg. 11, lines 11-19; pg. 15, line 14 – pg. 16, line 4; pg. 16, lines 17+; pg. 17, lines 18-20; and FIGS. 2 & 4-6].

21. Dependent Claim 59.

Dependent claim 59 recites: “wherein the information about the incentives determined to be currently available to the UID and NID combination is transmitted to the incentive network server having the NID associated with the received request” [Specification, *e.g.*, pg. 15, lines 5-15; Pg. 17, lines 10-20; and FIGS. 2, 4, & 6].

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL - 37 C.F.R. § 41.37(c)(1)(vi)

A. Claims 1-36, 39-41, 44-50, and 52-59 stand rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over U.S. Patent No. 5,970,469 to Scroggie *et al.* (hereinafter "Scroggie") in view of U.S. Patent No. 5,949,875 to Walker *et al.* (hereinafter "Walker") [Office Action, pg. 3, ¶14].

B. Claims 37-38, 42-43, and 51 stand rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over the combination of Scroggie and Walker, further in view of U.S. Patent No. 6,055,573 to Gardenswartz *et al.* (hereinafter "Gardenswartz") [Office Action, pg. 14, ¶15].

VII. ARGUMENTS - 37 C.F.R. § 41.37(c)(1)(vii)

A. **Overview of Arguments.**

Each of the rejections under 35 U.S.C. § 103(a) is legally deficient and should be reversed because: (1) Walker, which is relied upon for the rejection of all of the pending claims, constitutes non-analogous art and is therefore not within the scope and content of the prior art; (2) assuming arguendo that Walker is deemed to constitute analogous art, the Examiner has failed to provide any viable, rational underpinning to support the articulated reason for modifying Scroggie to include the teachings of Walker (as alleged in the rejection of each of independent claims 1, 8, 11, 18, 21, 34, 39, 44, 48, 52-54, and 57); and (3) assuming arguendo that the proposed combination of Scroggie and Walker were deemed legally proper, the references, even if combined, still fail to disclose, teach, or suggest all of the claim elements. In particular, neither Scroggie nor Walker, either

alone or in combination, teach or suggest *at least* the use of a network ID ("NID") in connection with a determination of what subset of incentives are to be made available (to a user) in response to a request for access to incentives from a client device through a network server having an associated NID. Gardenswartz fails to cure this deficiency.

As discussed more thoroughly below, the improper combination of references also fails to teach or suggest other claim features.

B. Summary of the Alleged "Prior Art" References Relied Upon by the Examiner

1. Scroggie.

Scroggie discloses a "system and method for the distribution, via a computer network, of incentives and other related shopping aids useful to retail customers" [Scroggie, col. 1, lines 38-40]. Scroggie discloses that an important feature of the alleged invention is that incentives are distributed such that they may only be redeemed at a specific retailer that has been selected by a customer [Scroggie, col. 1, lines 41-43].

FIG. 13 of Scroggie depicts the embodiment of the system primarily relied upon by the Examiner in the rejection. Specifically, FIG. 13 (reproduced below) illustrates an arrangement for distributing purchasing incentives over the Internet. According to Scroggie [see col. 11, line 41 – col. 12, line 6], an incentive distribution server computer (300) is provided having an associated storage device (306) on which are stored multiple advertisements and promotions.

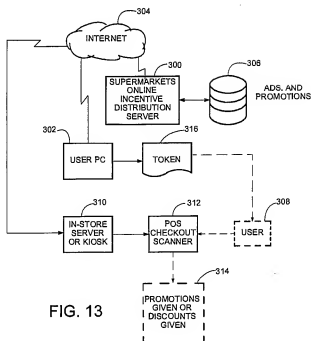


FIG. 13

A user's personal computer (302) is connected to the incentive distribution server computer (300) via network (304). In operation, a user (308) logs on to the incentive distribution server computer (300) and selects from a variety of offers stored on the storage device (306) by manufacturers and retailers.

Thus, in Scroggie the consumer accesses the incentive distribution server (300) directly, and *not* through one of a number of network servers that each have a NID. Accordingly, one clear difference between Scroggie and the claimed invention is the network architecture. Scroggie does not disclose a common incentive server accessed via one of any number of network servers (*e.g.*, other websites), much less network servers that each have their own Network ID ("NID"). As a result of at least these significant differences, there is no disclosure of a NID in Scroggie. Nor would it make sense, given the disclosed architecture, to have a NID parameter used to filter coupons

for a particular request.

Instead of transmitting the coupons to the user computer (302), Scroggie discloses that the incentive distribution server computer (300) functions in accordance with one of two options:

(a) The server 300 transmits purchase incentive data to an in-store server 310 in the supermarket selected by the user 308, which gives the user an appropriate discount automatically when he or she presents items for checkout and a point-of-sale checkout scanner 312, with appropriate identification recognized by the in-store server 310. Promotions or discounts are given to the customer, as indicated at 314. The server 300 may also send an advisory message to the customer to confirm the existence of the promotion.

(b) The server 300 transmits the image of a token 316 of some kind to the user's computer 302. The token defines the coupon offer, preferably in coded form, such as in bar codes, but is not recognizable as a coupon. The token may, for example, be an encoded confirmation number. The user 308 presents the token 316 at the store he or she has selected, and receives the appropriate discount or promotion automatically.

[Scroggie, col. 11, line 57 – col. 12, line 6].

The foregoing options describe how coupons selected by a user (consumer) can be transmitted to enable the user to redeem them.

With respect to targeting, Scroggie does not use a NID. Rather, Scroggie discloses that the invention may be enhanced “by employing individual purchase histories of individual customers” [Scroggie, col. 12, lines 8-9]. Scroggie teaches that purchase histories may be used “only if the customer provides some form of unique identification during the purchase transactions” [Scroggie, col. 12, lines 15-16]. More specifically, Scroggie recites that by providing identification such as a credit card, the “purchase of

any number of selected items can then be associated with a specific customer id ... and a system administrator maintains a database of customer purchase histories" [Scroggie, col. 12, lines 18-22]. According to Scroggie, it is the "customer id ... that allows the system to access the customer's purchasing history, and then select a purchasing incentive based on some aspect of the customer's prior shopping history" [Scroggie, col. 12, lines 28-32]. This is simply purchase history-based targeting. Scroggie discloses nothing about identifying (or targeting) available incentives based on a network server (or NID) through which a user accessed the incentive server; a deficiency that the Examiner explicitly concedes [Office Action, *e.g.*, pg. 4, lines 1-2].

2. Walker.

Walker, which constitutes non-analogous art for the reasons set forth in detail below, relates to "billing for information, goods, services and the like made available to a user on a computer or data network, and more particularly, to a method for such billing and collection linked to a separate telephone connection associated with a billing network that manages and bills for access to information over the computer or data network" [Walker, *e.g.*, col. 1, lines 9-15]. A principle object of the alleged invention, according to Walker, is "to provide a new and improved system for selling digital data" [Walker, col. 2, lines 62-63].

With reference to FIG. 1, Walker discloses a system comprising an end-user system (300), data network (400), access management system (500), and 900-number network (600) [Walker, *e.g.*, col. 5, lines 1-3; and FIG. 1]. Walker discloses that the access management system (500) is used to regulate access to the data network (400), and to manage the billing for such access by facilitating communications between the

900-number network (600), the data network (400), and the end-user system (300)

[Walker, *e.g.*, col. 5, lines 3-7].

Regarding FIG. 2 (reproduced below), which illustrates "the flow of information" among some of the primary components of the system, Walker recites:

The end-user accesses data network 400 through user computer 310 and modem 390, and communicates with 900-number network 600 through telephone 395 over a standard telephone connection. In this regard, those skilled in the art will appreciate that dedicated data lines, cellular telephones, Personal Communication Systems ("PCS"), microwave links, satellite systems, or any other direct or indirect communication link may alternatively be used. *The overall system facilitates the purchase of information 450 on a data network 400 by linking 900-number calls to the activation of codes necessary to retrieve the information 450.*

[Walker, col. 5, lines 8-19, *emphasis added*].

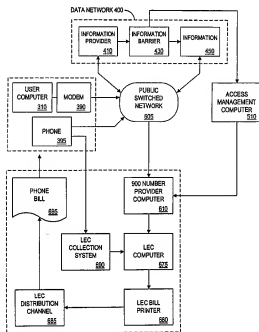


FIG. 2

In the Office Action, the Examiner relies on Walker to cure the admitted deficiency of Scroggie, alleging that Walker discloses using a network server identifier (NID) to identify available incentives [Office Action, *e.g.*, pg. 4]. Walker, however, relates to a telephonic billing and purchase verification system, and has nothing at all to do with identifying available incentives using a NID.

Walker appears to rely on the use of codes to manage the information purchase process [Walker, *e.g.*, col. 5, lines 8-19; and col. 6, lines 48+]. The codes in Walker appear to be used to access desired data, similar to a common "password" feature, and *not* to determine which incentives should be made available to a particular user:

To obtain access to information 450, the end-user must pass through information barrier 430. ***Information barrier 430 acts as a "toll-booth" at information provider 410, and is analogous to password screens that require a valid password to be inputted to obtain access to a computer. If the proper code is entered, access is granted; otherwise the barrier remains in place.*** Information barrier 430 determines whether the code is valid by communicating with access management computer 510 over an open channel of communication as described below.

[Walker, col. 6, lines 1-10, ***emphasis added***].

Although Walker does disclose that the series of digits comprising session and purchase codes may optionally represent information such as a server ID number [Walker, *e.g.*, col. 6, lines 55-59], Walker does not disclose, teach, or suggest using the server ID number (or any other information that may comprise the code) to make any sort of determination as to what incentives are available for a particular user. Rather, Walker teaches that the use of unique codes is for security purposes:

The uniqueness of codes allows a high level of security. The code can be limited to one-time access, making the

broadcasting on the web of a lost or stolen code useless. Thus, only the first user is able to use the code, subsequent users of the same code will be denied access. This uniqueness of codes also assures an easy and reliable method for auditing of the 900-number service provider.

[Walker, col. 6, lines 58-65].

Accordingly, in Walker, there is no determination of available incentives based on unique codes. Moreover, one time use codes are very different from NIDs. For *at least* this reason, Walker fails to cure the recognized deficiencies of Scroggie.

3. Gardenswartz.

Gardenswartz, entitled "Communicating with a Computer Based on an Updated Purchase Behavior Classification of a Particular Consumer," is directed to "a method, system, and computer program product for communicating with a computer associated with a particular consumer, based on the consumer's offline purchase history" [Gardenswartz, col. 1, lines 15-20]. Similar to Scroggie and Walker, Gardenswartz, which is relied upon by the Examiner to reject certain dependent claims, does not relate to the targeting of incentives based on a NID associated with a network server through which a user makes a request for access to an incentive host server.

C. The Graham v. John Deere Co. Test.

It is well established that "the examiner bears the initial burden, on review of the prior art or any other ground, of presenting a *prima facie* case of unpatentability. If that burden is met, the burden of coming forward with evidence or argument shifts to the applicant." *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992) (discussing *In re Plasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir.

1984)). In the Office Action, the Examiner has attempted and failed to meet the requisite burden of establishing a *prima facie* case of obviousness.

Obviousness is a question of law based on the following underlying factual inquiries: "(a) the scope and content of the prior art; (b) the differences between the prior art and the claims at issue; (c) the level of ordinary skill in the art; and (d) objective evidence of nonobviousness." *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 958, 1 U.S.P.Q.2d 1196, 1197 (Fed. Cir. 1986) (citing *Graham v. John Deere Co.*, 383 U.S. 1 (1966)). "Against this background, the obviousness or nonobviousness of the subject matter is determined." *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966).

Moreover, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985, 180 U.S.P.Q. (BNA) 580 (C.C.P.A. 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. (BNA) 494, 496 (C.C.P.A. 1970).

D. Walker Constitutes Non-Analogous Art.

Graham v. Deere dictates that *first* the scope and content of the prior art must be determined. This includes determining what constitutes analogous art. If a reference is determined not to constitute analogous art, it can not be further considered in the obviousness analysis.

The Examiner's reliance on Walker for the rejections of all of the pending claims (claims 1-59) [Office Action, pg. 3, ¶4 and pg. 14, ¶15] is improper as this reference is non-analogous art to Appellant's claimed invention.

A two step test has been developed to determine whether a particular reference is within the appropriate scope of the prior art. First, it must be determined whether a particular reference is "within the field of the inventor's endeavor." Second, assuming the reference is outside that field, it must be determined whether the reference is "reasonably pertinent to the particular problem with which the inventor was involved." *In re Deminski*, 796 F.2d 436, 230 U.S.P.Q. (BNA) 313, 315 (Fed. Cir. 1986).

1. Walker is Outside Appellant's Field of Endeavor.

Walker does not relate to the *relevant* field of endeavor. The inventor's field of endeavor relates to an incentive network for distributing incentives on a network-wide basis, and for permitting users access to incentives from any network server, thereby improving the incentive distribution and redemption processes [Specification, *e.g.*, pg. 1, lines 2-6].

Walker, by contrast, clearly states that the field of the invention relates to "billing for information, goods, services and the like made available to a user on a computer or data network, and more particularly, to a method for such billing and collection linked to a separate telephone connection associated with a billing network that manages and bills for access to information over the computer or data network" [Walker, *e.g.*, col. 1, lines 9-15]. The Examiner has provided no evidence or other proper legal basis to establish that this field of endeavor is within the inventor's field of endeavor.

2. Walker is Not Reasonably Pertinent to the Particular Problem(s) With Which Appellant was Involved.

Since Walker is outside the inventor's field of endeavor, the inquiry becomes whether this reference is reasonably pertinent to the particular problem(s) with which Appellant was involved.

A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would commend itself to an inventor's attention in considering his problem. Thus, the purposes of both the invention and the prior art are important in determining whether the reference is reasonably pertinent to the problem the inventor attempts to solve. If a reference disclosure has *the same purpose* as the claimed invention, the reference relates to the same problem, and that fact supports use of that reference in an obviousness rejection. An inventor may well have been motivated to consider the reference when making his invention. If it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it. *In re Clay*, 966 F.2d 656, 23 U.S.P.Q. 2d (BNA) 1058 (Fed. Cir. 1992).

Emphasis Added.

The Examiner has not provided any evidence that Walker is reasonably pertinent to the particular problem(s) with which Appellant was involved. These problems include, for example, providing network-wide access to incentives to increase the effectiveness of on-line marketing campaigns [Specification, *e.g.*, pg. 4, lines 7-8], and providing secure, targeted and trackable incentives (*e.g.*, coupons) to consumers who access a common incentive host server via a client device (*e.g.*, personal computer) through any one of a number of different other network servers (*e.g.*, network servers on which different web sites are hosted) within a network.

Walker, however, is more concerned with the problem of collecting payments for the dissemination of information over a data network [Walker, *e.g.*, col. 1, lines 18-26; col. 1, lines 53-63; col. 2, lines 8-15; col. 2, lines 16-20; and col. 2, lines 21-38].

The Examiner cites no evidence that a person having ordinary skill in the art would reasonably have expected to solve the problem(s) of providing network-wide access to incentives to consumers who access a common incentive host server via a client device through any one of a number of different other network servers within a network by considering the problem(s) addressed by Walker. The record is devoid of any evidence to support this. As such, there would be no reason one of ordinary skill in the art would look to the diverse field of Walker absent hindsight.

Patent examination is necessarily conducted by hindsight, with complete knowledge of the applicant's invention, and the courts have recognized the subjective aspects of determining whether an inventor would be reasonably motivated to go to the field in which the examiner found the reference, in order to solve the problem confronting the inventor... [I]t is...in other words, common sense...in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor...The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q. 2d (BNA) 1443 (Fed. Cir. 1992).

Application of the proper two-step legal analysis frequently demonstrates that references, which might appear relevant to (or have something in common with) a claimed invention, are not analogous and therefore may not be properly considered. The Federal Circuit has frequently confirmed this. For example, it has held that the art of petroleum extraction is not analogous to the art of petroleum storage despite both

being in the petroleum industry. *In re Clay*, 966 F.2d 656, 659-60 (Fed. Cir. 1992).
Fasteners for garments are not analogous to fasteners for a hose clamp. *In re Oetiker*,
977 F.2d 1443, 1447 (Fed. Cir. 1992). Paper stapling is not analogous to surgical stapling.
U.S. Surgical Corp. v. Hospital Prods. Int'l Pty., Ltd., 701 F. Supp. 314, 334 (D. Conn. 1988).
Single in-line memory modules (SIMMs) for an industrial controller is not analogous to
SIMMs for personal computers. *Wang Labs., Inc. v. Toshiba Corp.*, 993 F.2d 858, 864
(Fed. Cir. 1992). Railway car brakes are not analogous to automotive vehicle brakes. *SAB
Industri AB v. The Bendix Corp.*, 199 USPQ 95, (E.D. Va. 1978).

For at least the foregoing reasons, it is clear that the Examiner has not proven an
essential element of the obviousness test, *i.e.*, that Walker is within the scope and
content of the prior art. As a result, Walker cannot be properly considered in an
obviousness analysis. "The combination of elements from non-analogous sources, in a
manner that reconstructs the applicant's invention only with the benefit of hindsight, is
insufficient to present a *prima facie* case of obviousness." *In re Oetiker*, 977 F.2d 1443,
1447, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992). This reference therefore cannot be
relied upon to prove obviousness of Appellant's invention as claimed in any of pending
claims 1-59. Accordingly, the rejection of claims 1-59 under 35 U.S.C. § 103(a) should
therefore be reversed for at least this reason.

E. Claims 1-36, 39-41, 44-50, and 52-59 are Patentable Over Scroggie in View of Walker.

The Examiner legally erred in rejecting claims 1-36, 39-41, 44-50, and 52-59 under
35 U.S.C. § 103(a) over Scroggie in view of Walker. Claims 1-36, 39-41, 44-50, and 52-59

are patentable for *at least* the reasons that: (1) Walker constitutes non-analogous art and is therefore not within the scope and content of the prior art; (2) assuming arguendo that Walker is deemed to constitute analogous art, the Examiner has failed to provide any viable, rational underpinning to support the articulated reason for modifying Scroggie to include the teachings of Walker; and (3) assuming arguendo that the proposed combination of Scroggie and Walker were deemed legally proper, the references, even if combined, still fail to disclose, teach, or suggest all of the claim elements.

1. Walker Constitutes Non-Analogous Art.

For the reasons set forth in detail above, Walker is not within the scope and content of the prior art. As a result, Walker cannot be properly considered in an obviousness analysis. Accordingly, the rejection of claims 1-36, 39-41, 44-50, and 52-59 under 35 U.S.C. § 103(a) is improper and should be reversed.

2. The Combination of Scroggie and Walker is Legally improper.

Assuming arguendo that Walker qualifies as analogous art, the Examiner has failed to provide any viable, rational underpinning to support the articulated reason for modifying Scroggie to include the teachings of Walker.

In the Office Action, with regard to the rejection of *each* of independent claims 1, 8, 11, 18, 21, 34, 39, 44, 48, 52-54, and 57, the Examiner explicitly concedes that Scroggie fails to disclose "a network server identifier (NID) to identify available incentives." In an attempt to cure this admitted deficiency of Scroggie, however, the Examiner erroneously relies on Walker:

Scroggie does not specifically disclose and a [sic] network server identifier (NID) to identify available incentives associated with the user/client. However, Walker discloses using a network server identifier (NID) to identify available incentives associated with the user/client (using server ID as a code to identifying users, see abstract, fig.5, col.5 lines 7-43 and col.6 line 21 to col.7 line 56). It would have been obvious to one of the ordinary skill in the art at the time the invention was made ***to implement Walker's teachings into the computer system of Scroggie to monitor access information because it would have tracked the codes necessary to manage the information purchase process in a communication network*** (see Walker's col.6 lines 21-65).

[Office Action, pgs. 4, 7-11, & 14, ***emphasis added***].

The facts belie the Examiner's assertion regarding Walker. Walker is clearly concerned with providing a new and improved system for selling digital data [Walker, col. 2, lines 62-63]; an object apparently accomplished by facilitating the purchase of information on a data network by linking 900-number calls to the activation of codes necessary to retrieve the information [Walker, col. 5, lines 16-19].

The Examiner's allegation that "*Walker discloses using a network server identifier (NID) to identify available incentives associated with the user/client...*" is unsupported. As discussed in detail above, at pgs. 38-39 of this Appeal Brief, Walker relates to a telephonic billing and purchase verification system, and has nothing at all to do with identifying available incentives using a NID.

Additionally, the Examiner's alleged motivation fails to provide any reasoning whatsoever as to why one of ordinary skill in the art would modify Scroggie to include the ability to track codes necessary to manage the purchase of information over a network, when Scroggie has nothing to do with the purchase of information over a network.

Moreover, users of Scroggie's system access the incentive distribution server (300) *directly* [Scroggie, *e.g.*, col. 11, lines 51-53], and *not* through one of a plurality of network of servers, within an incentive network, as disclosed and claimed by Appellant. Thus, given the system architecture of Scroggie, there is no need for a NID, nor has the Examiner even addressed how the existing system architecture of Scroggie could implement the use of NIDs. This is yet another example of how the Examiner's alleged motivation for modifying Scroggie is legally deficient.

To avoid a finding of obviousness due to the luxury of hindsight, there must be an explicitly articulated reasoning with a rational underpinning to support the legal conclusion of obviousness.⁶ The absence of any rational underpinning in support of the articulated reason for modifying Scroggie, in the manner alleged by the Examiner, indicates that the Examiner has engaged in the classic exercise of hindsight reconstruction to pick and choose among separate disclosures in an effort to arrive at Appellant's claimed invention. But even then, this effort falls short as Walker fails to cure the admitted deficiency of Scroggie (as discussed in detail below).

For *at least* the foregoing reasons, the rejection of claims 1-36, 39-41, 44-50, and 52-59 under 35 U.S.C. § 103(a) is improper and should be reversed.

3. Scroggie and Walker, Even When Combined, Fail to Disclose, Teach, or Suggest all of the Elements of Claims 1-36, 39-41, 44-50, and 52-59.

⁶ *KSR International Co. v. Teleflex, Inc.*, 550 U.S. ___, 2007 WL 1237837 at *14 (2007).

Assuming arguendo that Scroggie and Walker could be combined, the combined references fail to disclose, teach, or suggest all of the elements of claims 1-36, 39-41, 44-50, and 52-59.

**a. *Neither Scroggie Nor Walker Teach or Suggest
Determining Available Incentives Based on a NID.***

Each of the independent claims recites using at least a NID to determine/identify available incentives (or coupons). For example, independent **claim 1** expressly recites: "determining at the incentive host server available incentives using at least the first identifier and the NID." Independent **claim 8** expressly recites: "determining available incentives using at least the first identifier and the NID." Independent **claim 11** expressly recites: "determining available incentives using the NID and the first identifier." Independent **claim 18** expressly recites: "determining, in response to the access request, available incentives using the first identifier and the NID." Independent **claim 21** expressly recites: "...providing identifying information including a first identifier and a network server identifier (NID)...wherein the identifying information is used by the incentive distribution module, at least in part, to identify available incentives associated with the NID." Independent **claim 34** expressly recites: "determining, at the host server, information regarding a set of one or more coupons from a plurality of coupons based at least in part on the NID and the first identifier." Independent **claim 39** expressly recites: "determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier." Independent **claim 44** expressly recites: "determining information regarding a set of one or more coupons from the plurality of coupons based at least in part on the network

server identifier and the first identifier.” Independent **claim 48** expressly recites: “determining information regarding one or more coupons based at least in part on the received network server identification and first identifier.” Independent **claims 52 and 53** each expressly recite: “means for determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier.” Independent **claim 54** expressly recites: “determining currently available incentives based on the UID and NID.” Independent **claim 57** expressly recites: “an incentive determination module for determining currently available incentives based on the NID and UID of the client device from which the request was initiated.”

As previously noted, the Examiner explicitly concedes that Scroggie fails to disclose “a network server identifier (NID) to identify available incentives,” and instead relies on Walker for this teaching [Office Action, pgs. 4, 7-11, & 14]. Assuming arguendo that Walker qualifies as analogous art, and that Scroggie and Walker could be properly combined (*neither* of which Appellant concedes), the rejection would still be improper as Walker fails to cure the admitted deficiency of Scroggie.

In the Office Action, the Examiner specifically alleges that:

...Walker discloses using a network server identifier (NID) to identify available incentives associated with the user/client (using server ID as a code to identifying users, see abstract, fig.5, col.5 lines 7-43 and col.6 line 21 to col.7 line 56).

[Office Action, *e.g.*, pg. 4].

The facts do not support this assertion. Walker fails to even disclose incentives, much less a NID used to identify available incentives. As discussed above, Walker

discloses a telephonic billing and purchase verification system, and has nothing at all to do with identifying available incentives using a NID.

The citations relied upon by the Examiner, which are set forth below, clearly do not state what the Examiner alleges:

A billing and collection system comprising an access management computer for enabling payment for a service provided over a data network to be made for a telephone connection to a shared revenue billing network where the telephone connection to the billing network regulates access to the service provided over the data network, the data network including at least one information provider presenting at least one service for on-line access by a user with a user computer through the data network, the billing network and access management computer adapted for controlling access to the information provider and billing the user for access to the information provider, the access management computer communicating with the data network to enable and terminate access to the information provider through the user computer with the billing network sharing revenues for the telephone connection with the information provider.

[Walker, Abstract].

FIG. 2 generally depicts the flow of information among the primary components in greater detail. The end-user accesses data network 400 through user computer 310 and modem 390, and communicates with 900-number network 600 through telephone 395 over a standard telephone connection. In this regard, those skilled in the art will appreciate that dedicated data lines, cellular telephones, Personal Communication Systems ("PCS"), microwave links, satellite systems, or any other direct or indirect communication link may alternatively be used. The overall system facilitates the purchase of information 450 on a data network 400 by linking 900-number calls to the activation of codes necessary to retrieve the information 450.

Referring now to FIG. 3, there is shown a block diagram of user system 300. The end-user communicates with data network 400 via end-user computer 310, which is preferably a conventional personal computer having a CPU 320, input device 325 (e.g. a keyboard or mouse), one or more communication ports 330, clock 340, video driver 345 connected to video monitor 350, secure processor 355, RAM 360, ROM 365, and data

storage device 370. Data storage device 370 may be either fixed media (e.g., a hard disk) or a drive capable of reading removable media (e.g., a floppy disk or CD-ROM). Data storage device 370 may contain information storage 375, which is used for storing information 450 retrieved from data network 400. Additionally, an audit trail for information transactions may also be saved in audit database 380. The audit trail can include a record of all information purchases as well as any codes used during the process. This audit trail is useful in the event of a disputed charge or disputed bill. Secure storage 377 is used for any embodiment requiring secure storage of messages or data at end-user computer 310. End user computer 310 communicates with data network 400 through communications port 330 and modem 390 (or other communication device such as a network card or a transmitter) to enable direct communications with data network 400.

[Walker, col. 5, lines 7-43].

FIG. 5 is a block diagram depicting access management system 500. This system manages the communications between data network 400 and 900-number network 600. Access management computer 510 could be a conventional mainframe computer, workstation, or personal computer depending upon the volume of transactions expected to be handled by the system. Access management computer 510 includes CPU 520, communications port 530, clock 540, operating system 545, secure processor 555, RAM 560, ROM 565, and data storage device 570. For high volume transaction processing a relatively powerful microprocessor that has a wide data bus may be used as CPU 520. Typical of such processors are the Intel Pentium or the Motorola PowerPC 604, which both employ a 32-bit data bus. The storage device can be either fixed media (e.g., a hard disk) or a drive capable of reading removable media (e.g., a floppy disk or CD-ROM). Data storage device 570 is used to store the various databases needed in the system, such as the code databases that track the codes necessary to manage the information purchase process. The code databases include a session code database 575 and purchase code database 577. Other stored databases include a billing record database 580, token database 582, ANI database 584, and activation query database 586. Those skilled in the art will understand that each of the databases may be relational to one another, or that all of them may be combined into a single large database.

Session and purchase codes are generally described as a unique series of digits, either retrieved from a database of predetermined codes or generated at random, used to purchase information 450 or physical goods 40. Those skilled in the art will understand that there are some variations

to the structure of the codes in each embodiment of the invention and they can range from a simple series of random digits to long strings or groups of digits. Optionally, each group of digits may represent a number of pieces of information including, but not limited to, cost, product description, originating ANI, time/date, server ID number, etc. The uniqueness of codes allows a high level of security. The code can be limited to one-time access, making the broadcasting on the web of a lost or stolen code useless. Thus, only the first user is able to use the code, subsequent users of the same code will be denied access. This uniqueness of codes also assures an easy and reliable method for auditing of the 900-number service provider.

Session code database 575 stores codes used to purchase information 450. To activate the codes, the end-user calls 900-number network 600 and enters the requested code, which is then processed by access management computer 510.

Purchase code database 577 stores codes used by the end-user in the physical goods purchasing embodiment. The end-user calls 900-number provider computer 610 and enters the requested code. The 900-number provider computer 610 transmits this code to access management computer 510. These codes are then transmitted to information provider 410 to authorize fulfillment.

Billing record database 580 stores a copy of each active session code 60 and active purchase code 80. This database provides both an audit trail for all transactions and a cross reference for the accounting of LEC charges and commissions due information providers.

Token database 582 is the repository for tokens used by the end-user for the purchase of information or physical goods 40.

ANI database 584 stores all end-user telephone number information and is closely tied to billing record database 580.

Activation query database 586 stores the queries used to determine whether or not the end-user is currently connected to 900-number network 600.

Communication port 530 allows access management computer 510 to communicate with data network 400 and 900-number provider computer 610. Communication with 900-number provider computer 610 also involves conventional interactive voice response unit (IVRU) 590. IVRUs are well known in the art (see, e.g., Jerry Fitzgerald, Business Data Communications--Basic Concepts, Security & Design, 4th ed., John Wiley &

Sons, 1993) and need not be described in detail here. IVRU 590 allows the end-user and access management system 500 to interface directly over the public switched telephone network.

Referring now to FIG. 6, there is shown a block diagram of 900-number network 600. This network includes a 900-number provider computer 610 which handles most of the call tracking and billing functions. 900-number computer 610 includes a CPU 620, communication port 630, clock 640, payment/collection database 650, call record database 660, and ROM 665. Communication port 630 is connected to router 670, enabling communication with access management computer 510. Billing information from 900-number provider computer 610 is transmitted to local exchange computer 675 which uses LEC bill printer 680 to generate the end-user's monthly phone bill 695. The LEC distribution channel 685 distributes phone bill 695, which generates a payment by the end-user. This payment is sent to the LEC collection system 690 and then back to the local exchange computer 675.

Dedicated communications links may be established between access management computer 510, data network 400, and 900 number network 600. Although these systems are described as being located remotely from one another, one or more of the systems may be located within the same location.

[Walker, col. 6, line 21 – col. 7, line 56].

Walker appears to rely on the use of codes to manage the information purchase process [Walker, e.g., col. 5, lines 8-19; and col. 6, lines 48+]. The codes in Walker appear to be used to access desired data, similar to a common “password” feature, and not to determine which incentives should be made available to a particular user [Walker, col. 6, lines 1-10]. Walker does disclose that the series of digits comprising session and purchase codes may optionally represent information such as a server ID number [Walker, e.g., col. 6, lines 55-59], however Walker does not disclose, teach, or suggest using the server ID number (or any other information that may comprise the code) to make any sort of determination as to what incentives are available for a particular user.

By contrast, Walker teaches that the use of unique codes is for security purposes [Walker, col. 6, lines 58-65]. The codes are one time use codes. Accordingly, in Walker, there is no determination of available incentives based on unique codes. The Examiner has failed to provide any evidence to the contrary. For *at least* this reason, Walker fails to cure the recognized deficiencies of Scroggie. The Examiner has failed to establish otherwise.

For at least the foregoing reasons, the rejection of each of independent claims 1, 8, 11, 18, 21, 34, 39, 44, 48, 52-54, and 57 is clearly improper, is not supported by any proper factual basis, and is clearly legally deficient. The rejection must be reversed. All of the dependent claims are allowable because they each depend from an allowable independent claim, as well as for the further features they recite (discussed below).

b. *The Examiner's Various Interpretations of Scroggie's Disclosure of at Least Two (or a Plurality of) Network Servers, if Applied Consistently, Fail to Satisfy all Claim Recitations.*

Most of the independent claims recite having an incentive host server and/or at least two (or a plurality of) network servers.⁷ See independent claims 1, 8, 11, & 18 ("at least one incentive host server and at least two network servers"); independent claim 21 ("a host server" and "a plurality of network servers"); independent claim 39 ("an incentive host server" and "a plurality of network servers"); independent claim 44 ("a host server" and "a plurality of network servers"); independent claim 53 ("a plurality of

⁷ Independent claim 48 recites "a plurality of network server identifiers," while independent claim 34 recites a "host server." Independent claim 52 does not include the aforementioned recitations.

network servers"); and independent claims 54 and 57 ("an incentive host server" and "at least two incentive network servers").

In the Office Action, the Examiner alleges that these claim recitations are taught by Scroggie alone, and does not rely on any secondary references. In so doing, the Examiner advances differing (conflicting) interpretations of which system components, in Scroggie, allegedly constitute the network servers and the incentive host server.

For example, In the Office Action, the Examiner alleges that the incentive distribution server (300) of Scroggie constitutes one of the network servers, and the point-of-sale checkout scanner (312) constitutes the other network server. *See* Office Action, page 3 ("at least two network servers (300, 312 fig. 13)"); page 7 ("one of the network servers (300, 312 FIG. 13)"); and pages 10 & 13 ("at least two incentive network servers (300 and 312 fig. 13)"). This is devoid of a proper factual basis.

In other instances, the Examiner alleges that the in-store server (or kiosk) (310) qualifies as one of the claimed network servers. *See* Office Action, page 9 ("a plurality of network servers (310, 312 fig. 13)").

In one instance, with particular regard to independent claim 8, the Examiner goes so far as to rely on the in-store server (or kiosk) (310) of Scroggie as allegedly teaching the claimed incentive host server for one claim recitation, and then relies on server (300) of Scroggie as allegedly teaching the same incentive host server for a different recitation in *the same claim* [Office Action, pg. 7]. This is clearly legally improper.

With regard to other independent claims, such as independent claims 39, 44, and 53, it is not even apparent from the Office Action what components in Scroggie are relied upon by the Examiner as allegedly teaching the incentive host server and network

servers [Office Action, pg. 10].

Regardless, if the Examiner's various interpretations of Scroggie (as best understood by Appellant) are applied consistently to the claim language, the Examiner's rejections fall apart as various other claim features are not satisfied. The fact is that Scroggie has a very different architecture than the claimed invention. The Examiner's need to contort the clear teachings of Scroggie in order to try to meet the claim elements clearly exposes the weakness and legal impropriety of the rejections.

1. The Point-of-Sale Checkout Scanner (312) of Scroggie Does Not Satisfy the Claim Recitations of Appellant's (Incentive) Network Server.

In the rejection of independent claims 1, 8, 11, 18, 21, 54, and 57, the Examiner alleges that the point-of-sale checkout scanner (312) of Scroggie constitutes one of the claimed network servers [Office Action, pgs. 3, 7-10, and 13].

This belies common sense and there is no evidence that a point-of-sale checkout scanner (312) is a "network server." The Examiner provides not a scintilla of evidence or rational explanation as to why this scanner can properly be considered a "network server." This position is wholly without merit. A person of ordinary skill in the relevant art would recognize that scanner (312) is simply a peripheral device that is used to read a bar code on a given product at the checkout line in the store. In this sense, a scanner is like a keyboard or mouse – a device used to input data into a computer system. It is not a network server, much less a device through which a consumer makes requests for access to coupons from an incentive host server. The Examiner points to no evidence to the contrary, despite having been challenged on this point repeatedly.

Considering this claim as a whole, the rejection is further deficient because, even

if a scanner were misconstrued to be a network server, no "client device" in Scroggie makes an access request for incentives from scanner (312). Appellant's claimed network server(s), by contrast, receive access requests for incentives from client devices. *See, e.g.*, independent claim 1 ("receiving, at a network server, an access request from a client device associated with the user"); independent claim 8 ("transmitting an access request to access one of the network servers in the network"); independent claim 11 ("receiving, at a network server, an access request from a client device associated with at least one user"); independent claim 18 ("transmitting an access request to access a network server in the network"); independent claim 21 ("wherein when at least one user causes the at least one client machine to access one of the plurality of network servers"); and independent claim 57 ("an incentive network server comprises a network interface for receiving from a client device a request for access to incentives").

The Examiner's rejection is further legally flawed because the point-of-sale checkout scanner (312) of Scroggie fails to satisfy various additional claim recitations pertaining to transmissions from the claimed network server to the claimed incentive host server. *See, e.g.*, independent claim 1 ("transmitting a first identifier and a network server identifier (NID) corresponding to the access request to the incentive host server"); independent claim 8 ("transmitting a first identifier and a network server identifier (NID) corresponding to the access request to the incentive host server"); independent claim 11 ("transmitting a first identifier and a network server identifier (NID) corresponding to the access request to an incentive host server"); independent claim 18 ("transmitting the first identifier and a network server identifier (NID) to the incentive host server"); independent claim 21 ("providing identifying information including a first identifier and a

network server identifier (NID) to the host server, wherein the identifying information is used by the incentive distribution module, at least in part, to identify available incentives associated with the NID"); independent claim 54 ("incentive host server comprising...an incentive determination module for...receiving a request for incentives from any of the incentive network servers"); and independent claim 57 ("wherein an incentive network server comprises a network interface for receiving from a client device a request for access to incentives, and for communicating information about the request to the incentive host server"). Scroggie's point-of-sale checkout scanner (312) does not satisfy these claim recitations.

For the foregoing reasons, the rejection of *at least* independent claims 1, 8, 11, 18, 21, 54, and 57 under 35 U.S.C. § 103(a) is improper and should be reversed as the relied upon point-of-sale checkout scanner (312) of Scroggie fails to satisfy various additional recitations pertaining to the claimed network server. Any dependent claims which depend therefrom are allowable by virtue of their dependency, as well as for the further features they recite (discussed below).

2. The In-Store Server (or Kiosk) (310) of Scroggie Does Not Satisfy the Claim Recitations of Appellant's (Incentive) Network Server.

In the rejection of independent claim 21, the Examiner flip-flops and alleges that the in-store server (or kiosk) (310) of Scroggie constitutes one of the claimed network servers [Office Action, pg. 9]. This interpretation is legally flawed, however, as the in-store server (or kiosk) (310) of Scroggie fails to satisfy additional recitations pertaining to the claimed network server, including transmissions from the network server to the incentive host server.

In particular, the in-store server (or kiosk) (310) of Scroggie [Scroggie, col. 11, lines 57-65] fails to disclose the following recitation of independent claim 21: "providing identifying information including a first identifier and a network server identifier (NID) to the host server, wherein the identifying information is used by the incentive distribution module, at least in part, to identify available incentives associated with the NID." The Examiner has failed to establish how this claim recitation is satisfied by the in-store server (or kiosk) (310). For *at least* these reasons, the in-store server (or kiosk) (310) is not a network server as claimed. Accordingly, the rejection of independent claim 21 under 35 U.S.C. § 103(a) is improper and should be reversed. Dependent claims 31-33 are allowable because they depend from allowable independent claim 21, as well as for the further features they recite.

c. *Dependent Claims 2-7, 9-10, 12-17, 19-20, 22-33, 35-36, 40-41, 45-47, 49-50, 55-56, and 58-59.*

In addition to *each* of the independent claims, the Examiner additionally rejected dependent claims 2-7, 9-10, 12-17, 19-20, 22-33, 35-36, 40-41, 45-47, 49-50, 55-56, and 58-59 under 35 U.S.C. § 103(a) over Scroggie in view of Walker [Office Action, pg. 3, ¶14]. For the reasons set forth in detail above regarding Walker (as non-analogous art), as well as the legally improper (and deficient) combination of Scroggie and Walker, the rejection of *each* of the pending independent claims is improper and should be reversed. Accordingly, dependent claims 2-7, 9-10, 12-17, 19-20, 22-33, 35-36, 40-41, 45-47, 49-50, 55-56, and 58-59 are allowable because they depend from an allowable independent claim, as well as for the further features they each recite.

While the rejections of some of the dependent claims are discussed below, Appellant expressly reserves the right to present additional arguments should the Examiner maintain the improper rejections of the independent claims over Scroggie in view of Walker.

1. Dependent Claims 2, 12, 38, and 43.

Dependent claim 2 recites: "wherein receiving the access request from the client device, includes: receiving a request for a document stored at least in part on the network server." Dependent claims 12, 38, and 43 include similar recitations. The passages relied upon by the Examiner in Scroggie do not appear to teach or suggest the claimed feature. Particularly, due to the differences between the system architecture of Scroggie and that of the claimed invention, Scroggie can't meet the claimed recitations. Scroggie does not appear to teach receiving a request for a document stored at least in part on the network server. Accordingly, the rejection of dependent claims 2, 12, 38, and 43 is therefore improper and should be reversed.

2. Dependent Claims 3 and 13.

Dependent claims 3 and 13 each recite: "...determining whether an indication exists that the user subscribes to receive information associated with available incentives." The passages relied upon by the Examiner in Scroggie [col. 6, lines 1-64; and col. 12, lines 7-51] [see Office Action, pg. 4, and pg. 8 (last line)] do not appear to teach or suggest the claimed feature. Accordingly, the rejection of dependent claims 3 and 13 is therefore improper and should be reversed. Claims 4 and 14 depend from claims 3 and 13, respectively, and are therefore allowable by virtue of their dependency, as well as for the further features they recite.

3. Dependent Claims 5 and 15.

Dependent claim 5 recites: "transmitting an identifier corresponding to the client device to the incentive host server; and transmitting a network server identifier corresponding to the network server." Dependent claim 15 includes similar recitations. The passages relied upon by the Examiner in Scroggie [FIG. 13, col. 6, lines 1-64; and col. 12, lines 7-51] [see Office Action, pg. 5, and pg. 8 (last line)] do not appear to teach or suggest an identifier corresponding to the client device and a network server identifier corresponding to the network server.

At best, Scroggie appears to disclose a household or customer ID. These types of IDs, however, function to identify a customer or household, and not the client device. Further, because Walker fails to cure the deficiencies of Scroggie regarding the network identifier for the reasons set forth above (with regard to the rejection of the independent claims), the rejection of dependent claims 5 and 15 is improper and should be reversed.

4. Dependent Claims 6 and 16.

Dependent claim 6 recites: "wherein determining available incentives, includes: receiving incentive information reflecting a selection of incentives based on at least one of the identifier corresponding to the client device and the network server identifier corresponding to the network server." Dependent claim 16 includes similar recitations. The passages relied upon by the Examiner in Scroggie [FIG. 13, col. 6, lines 1-64; and col. 12, lines 7-51] [see Office Action, pg. 6, and pg. 8 (last line)] do not appear to teach or suggest receiving incentive information reflecting a selection of incentives based on at least one of the identifier corresponding to the client device and the network server

identifier corresponding to the network server. Further, because Walker fails to cure the deficiencies of Scroggie regarding the network identifier for the reasons set forth above (with regard to the rejection of the independent claims), the rejection of dependent claims 6 and 16 is improper and should be reversed.

5. Dependent Claims 7 and 17.

Dependent claim 7 recites: "wherein the first identifier corresponds to the device associated with the user." Dependent claim 17 includes similar recitations. The Examiner relies on Scroggie for this teaching [*see* Office Action, pg. 7, and pg. 8 (last line)]. Scroggie, however, fails to disclose an identifier that corresponds to the *device* associated with the user. Rather, Scroggie discloses identifiers which identify the customer or their payment method. For example, Scroggie discloses a customer ID or household ID used to log-in to a system [Scroggie, e.g., col. 9 lines 15-40]. In another instance, Scroggie discloses a unique customer identification used during a purchasing transaction including a check-cashing card, a credit card, or a magnetically-encoded check [Scroggie, e.g., col. 4 lines 33-39 and col. 12 lines 14-22]. Scroggie is devoid of any teaching of an identifier corresponding to a device associated with a user. The rejection of dependent claims 7 and 17 is therefore improper and should be reversed.

6. Dependent Claims 10 and 20.

Dependent claim 10 recites: "wherein determining available incentives using at least the first identifier and the NID, includes: receiving incentive information reflecting a server identification associated with the server, wherein the network server provides the NID to the incentive host server for identification of the incentive information."

Dependent claim 20 includes similar recitations. Because Walker fails to cure the

admitted deficiency of Scroggie regarding the use of a network identifier for identifying available incentives for the reasons set forth above (with regard to the rejection of the independent claims), the rejection of dependent claims 10 and 20 is improper and should be reversed.

7. Dependent Claims 35, 40, 45, and 49.

Dependent claim 35 recites: "transmitting a request to the client device for information to create an account; receiving, in response to the transmitted request, information regarding the account; determining a first identifier; and transmitting the determined first identifier to the client device." Dependent claims 40, 45, and 49 include similar recitations. The Examiner relies on col.6, line 35 – col. 7, line 52 of Scroggie for this teaching [see Office Action, pg. 10]. At best, the cited portion of Scroggie discloses that users may enter a ZIP code or other postal code to access the system. Upon entry, the entered code may be transmitted *from* the kiosk. However, this passage does not disclose transmitting a determined identifier to a client device, much less storing the identifier on a client device.

The rejection of dependent claims 35, 40, 45, and 49 is therefore improper and should be reversed. Claims 36, 41, 46-47, and 50 depend from corresponding ones of claims 35, 40, 45, and 49, and are therefore allowable by virtue of their dependency, as well as for the further features they recite.

8. Dependent Claim 56.

Dependent claim 56 recites: "wherein the incentive determination module transmits information about the incentives determined to be currently available to the incentive network server having the NID associated with the received request."

The Examiner relies on Scroggie [at col. 8, line 53 - col. 9, line 40; and col. 12, line 43 - col. 13, line 35] for this teaching [see Office Action, pg. 12]. At best, these passages teach enabling a user to enter a ZIP code, a postal code, or other information in order to obtain incentives. However, the cited passages of Scroggie do not disclose an NID, much less determining available incentives based on the NID. Because Walker fails to cure the admitted deficiency of Scroggie regarding the use of a network identifier for identifying available incentives for the reasons set forth above (with regard to the rejection of the independent claims), the rejection of dependent claim 56 is improper and should be reversed.

9. Dependent Claim 58.

Dependent claim 58 recites: "wherein the information about the incentives determined to be currently available to the UID and NID combination is transmitted to a client device having the UID associated with the client device from which the request was initiated." Because Walker fails to cure the admitted deficiency of Scroggie regarding the use of a network identifier for identifying available incentives for the reasons set forth above (with regard to the rejection of the independent claims), the rejection of dependent claim 58 is improper and should be reversed.

10. Dependent Claim 59.

Dependent claim 59 recites: "wherein the information about the incentives determined to be currently available to the UID and NID combination is transmitted to the incentive network server having the NID associated with the received request." Because Walker fails to cure the admitted deficiency of Scroggie regarding the use of a network identifier for identifying available incentives for the reasons set forth above

(with regard to the rejection of the independent claims), the rejection of dependent claim 59 is improper and should be reversed.

F. Claims 37-38, 42-43, and 51 are Patentable Over the Combination of Scroggie and Walker, Further in View of Gardenswartz.

For the rejection of dependent claims 37-38, 42-43, and 51, the Examiner modifies the already legally improper combination of Scroggie and Walker to further include the alleged teachings of a *third* reference (Gardenswartz) [Office Action, pg. 14, ¶15]. For the reasons set forth in detail above regarding Walker (as non-analogous art), as well as the legally improper (and deficient) combination of Scroggie and Walker, the rejection of *each* of the pending independent claims -- including independent claims 34, 39, and 48-- is improper and should be reversed. Accordingly, dependent claims 37-38 are allowable because they depend from allowable independent claim 34, as well as for the further features they recite. Dependent claims 42-43 are allowable because they depend from allowable independent claim 39, as well as for the further features they recite. Dependent claim 51 is allowable because it depends from allowable independent claim 48, as well as for the further features it recites. Should the Examiner maintain the improper rejections under 35 U.S.C. § 103(a) of the independent claims over Scroggie in view of Walker, Appellant expressly reserves the right to present arguments attacking the impropriety of the combination of Scroggie, Walker, and Gardenswartz.

VIII. CLAIMS APPENDIX - 37 C.F.R. § 41.37(c)(1)(viii)

The pending claims (claims 1-59) are attached in **APPENDIX A**.

IX. EVIDENCE APPENDIX - 37 C.F.R. § 41.37(c)(1)(ix)

APPENDIX B: None.

X. RELATED PROCEEDINGS INDEX - 37 C.F.R. § 41.37(c)(1)(x)

APPENDIX C: None.

ATTACHMENT A: Demonstrative Diagram


CONCLUSION

For at least the foregoing reasons, Appellant requests that the rejection of claims 1-59 under 35 U.S.C. § 103(a), be reversed.

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APPENDIX A: CLAIMS APPENDIX

1. ***(Previously Presented)*** A computer implemented method for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server, comprising:

receiving, at a network server, an access request from a client device associated with the user;

transmitting a first identifier and a network server identifier (NID) corresponding to the access request to the incentive host server;

determining at the incentive host server available incentives using at least the first identifier and the NID, wherein the NID is used to identify available incentives in an incentive server database associated with the NID; and

transmitting information regarding the determined available incentives to the client device.

2. ***(Previously Presented)*** The method of claim 1, wherein receiving the access request from the client device, includes:

receiving a request for a document stored at least in part on the network server.

3. ***(Previously Presented)*** The method of claim 1, further comprising:

determining whether an indication exists that the user subscribes to receive information associated with available incentives.

4. ***(Previously Presented)*** The method of claim 3, wherein determining whether an indication exists that the user subscribes to receive information associated with available incentives, includes:

transmitting a subscriber request to the client device; and

receiving a response from the client device, including the first identifier.

5. ***(Previously Presented)*** The method of claim 1, wherein transmitting the first identifier and the NID to the incentive host server includes:
- transmitting an identifier corresponding to the client device to the incentive host server; and
 - transmitting a network server identifier corresponding to the network server.
6. ***(Previously Presented)*** The method of claim 5, wherein determining available incentives, includes:
- receiving incentive information reflecting a selection of incentives based on at least one of the identifier corresponding to the client device and the network server identifier corresponding to the network server.
7. ***(Previously Presented)*** The method of claim 1, wherein the first identifier corresponds to the device associated with the user.

8. ***(Previously Presented)*** A computer-implemented method for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server, comprising:

- transmitting an access request to access one of the network servers in the network;
- transmitting a first identifier and a network server identifier (NID) corresponding to the access request to the incentive host server; and

- determining available incentives using at least the first identifier and the NID, wherein an incentive host server identifies available incentives in an incentive server database associated with the NID.

9. ***(Previously Presented)*** The method of claim 8, wherein transmitting the access request to access one of the network servers, includes:

- providing a browser enabling a user to formulate and transmit the access request.

10. ***(Previously Presented)*** The method of claim 8, wherein determining available incentives using at least the first identifier and the NID, includes:

- receiving incentive information reflecting a server identification associated with the server, wherein the network server provides the NID to the incentive host server for identification of the incentive information.

11. ***(Previously Presented)*** A system for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server, comprising:

access request receiving means for receiving, at a network server, an access request from a client device associated with at least one user;

identifying information transmitting means for transmitting a first identifier and a network server identifier (NID) corresponding to the access request to an incentive host server;

incentive information determining means for determining available incentives using the NID and the first identifier, wherein the NID is used to identify available incentives in an incentive server database associated with the NID; and

incentive transmitting means for transmitting information regarding the determined available incentives to the client device.

12. ***(Previously Presented)*** The system of claim 11, wherein the access request receiving means includes:

partial document receiving means for receiving a request for a document stored at least in part on the network server.

13. ***(Previously Presented)*** The system of claim 11, wherein the identifying information transmitting means includes:

subscriber determining means for determining whether an indication exists that the user subscribes to receive information associated with available incentives.

14. ***(Previously Presented)*** The system of claim 13, wherein the subscriber determining means includes:

request transmitting means for transmitting a subscriber request to the client device; and

response receiving means for receiving a response from the client device, including the first identifier.

15. ***(Previously Presented)*** The system of claim 11, wherein the identifying information transmitting means includes:

identification transmitting means for transmitting an identifier corresponding to the client device to the incentive host server and transmitting a network server identifier corresponding to the network server.

16. ***(Previously Presented)*** The system of claim 15, wherein the incentive information determining means includes:

incentive obtaining means for obtaining incentive information reflecting a selection of incentives based on at least one of the network server identifier and the identifier corresponding to the client device.

17. ***(Previously Presented)*** The system of claim 11, wherein the incentive information determining means includes:

subscriber transmitting means for transmitting the identifier corresponding to the client device to the incentive host server.

18. ***(Previously Presented)*** A system for providing access to incentives via a computer network, the computer network comprising at least one incentive host server and at least two network servers for providing a user with access to incentives from the incentive host server, comprising:

access request transmitting means for transmitting an access request to access a network server in the network;

user request receiving means for receiving a user request for a first identifier associated with the access request;

transmitting means for transmitting the first identifier and a network server identifier (NID) to the incentive host server; and

incentive information determining means for determining, in response to the access request, available incentives using the first identifier and the NID, wherein the incentive host server identifies available incentives associated with the NID.

19. ***(Previously Presented)*** The system of claim 18, wherein the access request transmitting means includes:

a browser for enabling a user to formulate and transmit the access request.

20. ***(Previously Presented)*** The system of claim 18, wherein the network server provides the NID to the incentive host server for identification of the incentive information.

21. ***(Previously Presented)*** A system for distributing information in a network, comprising:

at least one host server having at least one of an incentive distribution module and an account creation module accessible to a plurality of users;

at least one plurality of network servers coupled to and selectively accessible to the host server for providing identifying information including a first identifier and a network server identifier (NID) to the host server, wherein the identifying information is used by the incentive distribution module, at least in part, to identify available incentives associated with the NID; and

at least one client machine coupled to and selectively accessible to at least one of the plurality of network servers for accessing network documents, wherein when at least one user causes the at least one client machine to access one of the plurality of network servers, the accessed network server communicates with the host server to obtain data corresponding to the at least one user, and wherein the at least one client machine is adapted to present the data from the host to the at least one user.

22. ***(Previously Presented)*** The computer implemented method of claim 1, wherein the available incentives include coupons.

23. ***(Previously Presented)*** The computer implemented method of claim 1, wherein the available incentives include discounts.

24. ***(Previously Presented)*** The computer implemented method of claim 1, wherein the available incentives include awards.

25. ***(Previously Presented)*** The computer implemented method of claim 8, wherein the available incentives include coupons.

26. ***(Previously Presented)*** The computer implemented method of claim 8, wherein the available incentives include discounts.

27. ***(Previously Presented)*** The computer implemented method of claim 8, wherein the available incentives include awards.
28. ***(Previously Presented)*** The system of claim 11, wherein the available incentives include coupons.
29. ***(Previously Presented)*** The system of claim 11, wherein the available incentives include discounts.
30. ***(Previously Presented)*** The system of claim 11, wherein the available incentives include awards.
31. ***(Previously Presented)*** The system of claim 21, wherein the available incentives include coupons.
32. ***(Previously Presented)*** The system of claim 21, wherein the available incentives include discounts.
33. ***(Previously Presented)*** The system of claim 21, wherein the available incentives include awards.

34. ***(Previously Presented)*** A computer-implemented method for providing coupons over a network, comprising:

receiving a request for a document associated with a network server from a client device ;

receiving, by a host server, information regarding the document request, wherein the received information includes a network server identifier (NID) associated with the network server;

receiving, by the host server, a first identifier stored by the client device;

determining, at the host server, information regarding a set of one or more coupons from a plurality of coupons based at least in part on the NID and the first identifier; and

transmitting, to the client device, at least some of the information regarding the set of one or more coupons.

35. ***(Previously Presented)*** The method of claim 34, further comprising:

transmitting a request to the client device for information to create an account;

receiving, in response to the transmitted request, information regarding the account;

determining a first identifier; and

transmitting the determined first identifier to the client device.

36. ***(Previously Presented)*** The method of claim 35, wherein the step of transmitting a request to the client device for information to create the account further comprises transmitting a registration form; and

wherein the step of receiving information regarding the account further comprises receiving information in response to the transmitted registration form.

37. ***(Previously Presented)*** The method of claim 36, wherein the account includes demographic information regarding a user.

38. *(Previously Presented)* The method of claim 34, wherein the requested document associated with the network server is stored, at least in part, on the network server.

39. *(Previously Presented)* A computer-implemented method performed by an incentive host server for providing coupons over a network, comprising:

receiving information regarding a request from a client device for a document received at one of a plurality of network servers, wherein the information received by the incentive host server includes a network server identifier corresponding to the one of the plurality of network servers;

receiving a first identifier stored by the client device;

determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier;

transmitting at least some of the information regarding the set of one or more coupons to the client device.

40. *(Previously Presented)* The method of claim 39, further comprising:

transmitting a request to the client device for information to create an account;

receiving, in response to the transmitted request, information regarding the account;

determining a first identifier; and

transmitting the first identifier to the client device.

41. *(Previously Presented)* The method of claim 40, wherein the step of transmitting a request to the client device for information to create the account further comprises transmitting a registration form; and wherein the step of receiving information regarding the account further comprises receiving information in response to the transmitted registration form.

42. *(Previously Presented)* The method of claim 41, wherein the account includes demographic information regarding a user.

43. ***(Previously Presented)*** The method of claim 39, wherein the requested document associated with the one of the plurality of network servers is stored, at least in part, on the one of the plurality of network servers.
44. ***(Previously Presented)*** A system for providing coupons via a network, comprising:
a client device associated for accessing the network;
a plurality of network servers for providing web pages;
a host server storing information regarding a plurality of coupons; and
wherein the host server is capable of receiving a network server identifier associated with at least one of the network servers, receiving a first identifier stored on the client device, determining information regarding a set of one or more coupons from the plurality of coupons based at least in part on the network server identifier and the first identifier, and transmitting at least some of the determined information regarding the set of one or more coupons to the client device.
45. ***(Previously Presented)*** The system of claim 44, wherein the client device includes software capable of determining if the first identifier is stored on the client device; and
wherein the host server is further capable of transmitting a request to the client device for information to create an account, receiving from the client device, in response to the transmitted request, information regarding the account, determining the first identifier, and transmitting to the client device the first identifier.
46. ***(Previously Presented)*** The system of claim 45, wherein the host server is further capable of transmitting a registration form and receiving information from the client device in response to the transmitted registration form.
47. ***(Previously Presented)*** The system of claim 45, wherein the account includes demographic information regarding a user.

48. **(Previously Presented)** A system for providing coupons over a network, comprising:
one or more databases for storing information regarding a plurality of coupons, a plurality of first identifiers, and a plurality of network server identifiers; and
one or more processors capable of performing a method comprising the steps of:
receiving a request for information regarding one or more coupons, wherein the received request includes a network server identification associated with at least one network server;
receiving a first identifier stored by the client device;
determining information regarding one or more coupons based at least in part on the received network server identification and first identifier; and
transmitting at least some of the determined information.
49. **(Previously Presented)** The system of claim 48, wherein the one or more processors are further capable of performing a method comprising the steps of:
receiving a subscription request from a client device; and
transmitting a first identifier to the client device such that the client device stores the first identifier.
50. **(Previously Presented)** The system of claim 49, wherein the one or more processors are further capable of performing a method comprising the steps of transmitting a registration form to the client device; and receiving information from the client device in response to transmitting the registration form.
51. **(Previously Presented)** The system of claim 50, wherein the information received in response to transmitting the registration form includes information regarding a user.

52. ***(Previously Presented)*** A system, comprising:

means for receiving a request for a document from a client device, wherein the requested document is associated with a network server;

means for receiving information regarding the document request, wherein the received information includes a network server identifier associated with the network server;

means for receiving a first identifier stored by the client device;

means for determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier; and

means for transmitting to the client device at least some of the information regarding the set of one or more coupons.

53. ***(Previously Presented)*** A system, comprising:

means for receiving information regarding a request from a client device for a document received at one of a plurality of network servers, wherein the information includes a network server identifier associated with the network server;

means for receiving a first identifier stored by the client device;

means for determining information regarding a set of one or more coupons from a plurality of coupons based at least in part on the network server identifier and the first identifier; and

means for transmitting the information regarding the set of one or more coupons to the client device.

54. ***(Previously Presented)*** An incentive host server for use in an incentive network, the incentive network including the incentive host server and at least two incentive network servers, the incentive host server comprising:

an incentive database for storing incentives;

a registration module for receiving registration information from a client device, and for transmitting a Unique ID (UID) to the client device that submitted the registration information for storage on the client device to enable the UID to be subsequently used in connection with requesting incentives from any of the incentive network servers within the incentive network; and

an incentive determination module for:

- i) receiving a request for incentives from any of the incentive network servers;
- ii) receiving a UID and a Network ID (NID) associated with the request;
- iii) determining currently available incentives based on the UID and NID; and
- iv) transmitting information about the incentives determined to be currently available.

55. ***(Previously Presented)*** The incentive host server of claim 54, wherein the incentive determination module transmits information about the incentives determined to be currently available to a client device having the UID associated with the received request.

56. ***(Previously Presented)*** The incentive host server of claim 54, wherein the incentive determination module transmits information about the incentives determined to be currently available to the incentive network server having the NID associated with the received request.

57. **(Previously Presented)** An incentive network, comprising:

an incentive host server;

at least two incentive network servers, wherein an incentive network server comprises a network interface for receiving from a client device a request for access to incentives, and for communicating information about the request to the incentive host server; and

wherein the incentive host server comprises:

i) an incentive database for storing incentives;

ii) a registration module for receiving registration information from a client device, and for transmitting a Unique ID (UID) to the client device that submitted the registration information for storage on the client device to enable the UID to be subsequently used in connection with requesting incentives from any of the incentive network servers within the incentive network;

iii) a network interface for receiving from any of the incentive network servers a request for access to at least some of the stored incentives, and for receiving with the request a Network ID (NID) associated with the incentive network server from which the request is received;

iv) an incentive determination module for determining currently available incentives based on the NID and a UID of the client device from which the request was initiated; and

v) means for transmitting information about the incentives determined to be currently available to the UID and NID combination.

58. **(Previously Presented)** The incentive network of claim 57, wherein the information about the incentives determined to be currently available to the UID and NID combination is transmitted to a client device having the UID associated with the client device from which the request was initiated.

59. ***(Previously Presented)*** The incentive network of claim 57, wherein the information about the incentives determined to be currently available to the UID and NID combination is transmitted to the incentive network server having the NID associated with the received request.

APPENDIX B

EVIDENCE APPENDIX - 37 C.F.R. § 41.37(c)(1)(ix)

NONE.

APPENDIX C

RELATED PROCEEDINGS INDEX - 37 C.F.R. § 41.37(c)(1)(x)

NONE.

ATTACHMENT A

DEMONSTRATIVE DIAGRAM

ATTACHMENT A

